

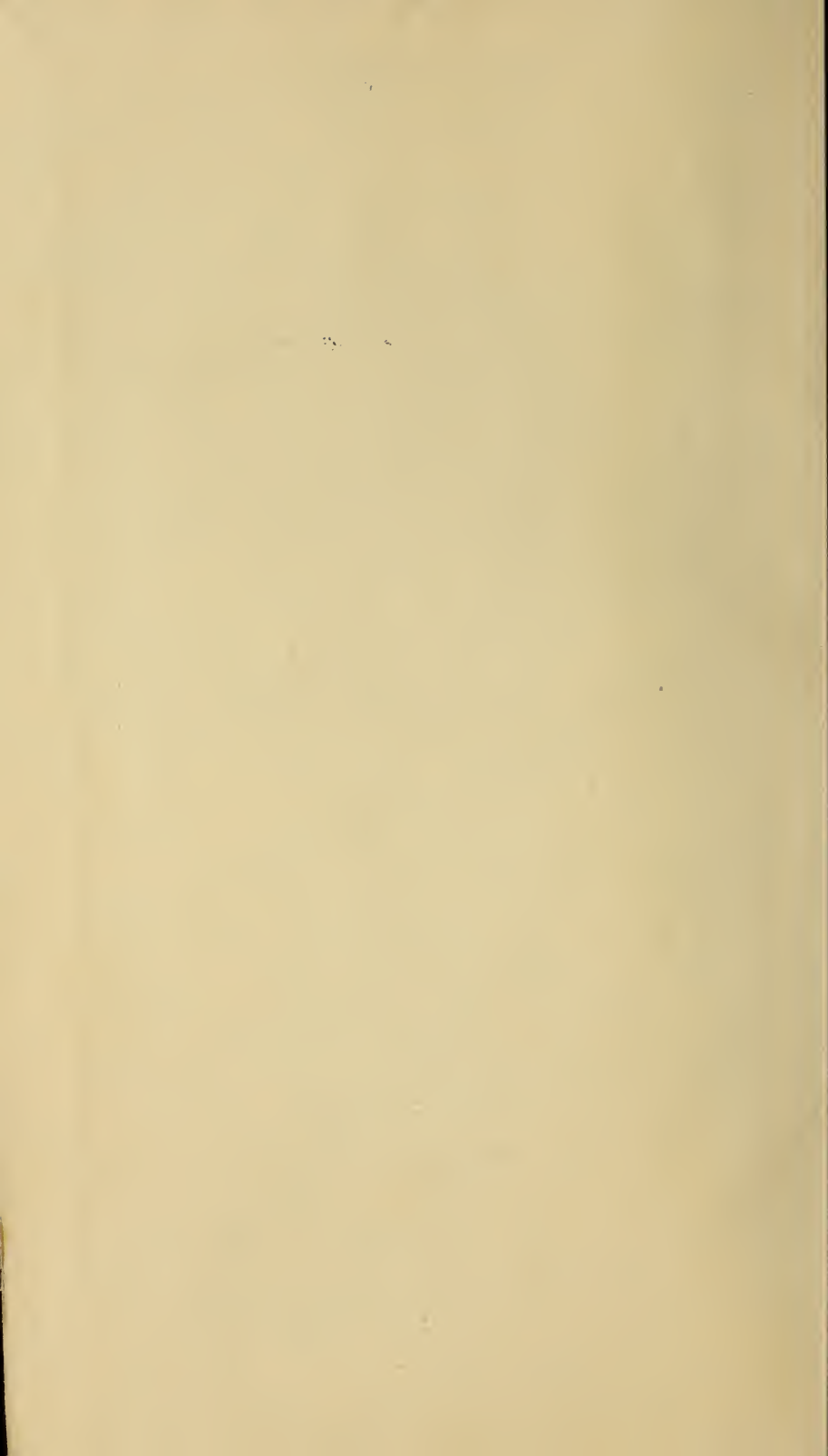
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AN  
INQUIRY

INTO THE  
PAST AND PRESENT RELATIONS

OF  
FRANCE

AND THE  
UNITED STATES OF AMERICA.

By Robt. Walsh.

"The illustrious example just quoted should be here imitated by those whose  
"proper stations in our political world have been usurped by the most inca-  
"pable and contemptible men that ever presumed to be ambitious; by  
"men, who are no less devoid of the accomplishments of liberal and useful  
"science, than of all the distinguishing qualifications of real statesmen—who  
"are not the guides, but the instruments, of the people—who are at once the  
"shame and the scourge of their country."

*Prospectus of the American Review.*

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## P R E F A C E.

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THE following pages present a picture of the American government in its relations with France, which must, of necessity, embrace many features of its characteristic policy towards Great Britain. The picture is drawn by a native artist of considerable ability, who, whilst he gives, as may be seen in all his writings, ample credit to the genius and high calling of his countrymen, has nevertheless availed himself of the means which he possesses to portray in their true colours the *genius* and *disposition* of the ruling party, and of those more immediately engaged in the functions of government. In saying this, it is almost superfluous to introduce to our Readers the name of Mr. Walsh, who has already distinguished himself in the field of literature and politics, and who is the Editor of a new work called the American Review, which bids fair, at no very distant period, to place his country on a level with our own in the merit of this sort of production. It will, in fact, be comparatively of greater utility than any similar work in Europe, because it will not only convey to us the opinions, more valuable than is generally supposed, of our Trans-atlantic brethren, upon the productions of the British press, but will bring us acquainted with those of their own; and this intercourse of letters will, in some sort, be a substitute for that more enlarged commercial intercourse which, until interrupted by

the total prevalence of French influence at Washington, contributed so much to the mutual prosperity of both countries.

The following article is extracted from the first volume of the *American Review*, which was published at Philadelphia on the first day of the present year, and is to be continued quarterly. We may safely recommend the whole volume to the perusal of the public, especially the very interesting Letters upon England and France, which, together with this tract, we presume to come from the pen of Mr. Walsh himself, and to be addressed to his friend and co-operator in the cause of good taste and good principles—Robert Goodloe Harper ;—but this extract has been made and published in a separate form, because it is conceived to be pre-eminently important, at the present juncture of affairs, that the conduct of the United States towards France, by which that of Great Britain towards them must in a great decree be regulated, should be thoroughly understood by the politicians of our country, as it unquestionably is by the writer of the following pages. That his statement of the case is correct, can be affirmatively decided by every person who will give himself the trouble of referring to the official documents on which it is founded. That his conclusions, drawn from these premises, are incontrovertible, is no less manifest by the sentiments expressed by the American executive itself, in numerous passages which he quotes, and by the following note which is subjoined, in another part of the Review, to an appendix of the State Papers, laid before Congress by the President, at the opening of the present session. This note appears to us to be so conclusive, that we cannot better contribute to the elucidation of the subject, than by transferring it into our present sheet.

“ The president of the United States stands pledged not to proceed in giving effect to the act of the first of May, in favour of France, ‘ in case the late seizure of the property of the citizens of this country has been followed by an ab-



‘solute confiscation, and restoration be *finally* refused.’—  
 ‘The only ground,’ says our secretary of state, in his letter to general Armstrong on this subject, ‘short of a preliminary restoration of the property, on which the contemplated arrangement can be made, will be an understanding that the confiscation is reversible, and that it will become immediately the subject of discussion, *with a reasonable prospect* of justice to our injured citizens.’ There has been no distinct, formal understanding with the French government, that *the confiscation is reversible*, and the language used by the president in his message, gives us plainly to infer, that there is as yet no ‘reasonable prospect of justice to our injured citizens.’ General Armstrong quitted France without having left this business, even in a train of adjustment, and received only a *verbal* assurance, as he tells us, that the fate of the property seized in France, would depend upon that of the French vessels seized here, under our Non-intercourse Law. A *verbal assurance*, particularly from the French government, will not, we suppose, be construed, even by the most sanguine of our politicians, into ‘a reasonable prospect of redress to our injured citizens.’ The only ground of reliance, or of reasoning in this case, is to be found in the *written* declaration in the above letter of the duke of Cadore, that, ‘As to the merchandise *confiscated*, it having been *confiscated* as a measure of *reprisal*, the principles of *reprisal* must be the law in that affair.’

“The footing upon which the business is here placed, merits a short examination. The French government has not informed us officially, how it construes ‘this law of reprisal’ which is to govern in the affair; and some sinister omens may be drawn by our ‘injured citizens’ with regard to the interpretation which will be given to this law, when they advert to the meaning of the term *confiscated*, employed in the declaration of the French minister, and to the general character of the French government. Let us apply, how-

ever, to this case, the principles of the law of reprisal, as they were universally admitted, and acted upon by the world, before the French revolution, and see in what relation France and the United States will then be placed.

“ No doctrine appertaining to the law of nations, was better settled, than that of reprisals. The great jurists of Europe call a state of reprisals, an *imperfect war*, and lay down the most positive, as well as the most indisputable rules, on this subject. If our readers wish to have a full exposition of these rules, from the authorities which formerly decided such questions, we refer them to Grotius, lib. 3. c. 2.—to Puffendorf, lib. 5. c. 13.—to Burlamaqui, liv. 4. ch. 3.—to the discussions between Sir William Temple and the pensionary De Witt—and to Vattel, b. 2. c. 17. All the writers on national law concur in the following maxims, and Vattel is particularly full and explicit ;—that reprisals can be justifiably resorted to by a nation, only when she has experienced a *flagrant injustice* from another ;—only after redress has been solemnly demanded, and peremptorily refused, or unreasonably delayed ;—that property seized under the law of reprisals, is to be restored, when satisfaction is made by the offending nation ; and can be subjected to final confiscation, *in no case but where redress has been refused, and is become hopeless.*

“ Under these maxims, it is impossible to consider the seizure made by the French government, as an act of reprisal ; nor is it possible, *without sacrificing our national honour, to treat with France on that ground.* France sustained no injury from us : she demanded no redress ; the seizure which she made was nothing less than an act of rapine, an unprovoked, audacious robbery. Our administration call it, in their correspondence with general Armstrong, ‘ an enormous outrage ;’—‘ a signal aggression on the principles of justice and good faith ;’—‘ a proceeding of violence, for which reparation must be made, as a preliminary to a general ac-

‘commodation of the differences between the two countries,  
‘and which must be redressed *if it be not the purpose of the*  
‘*French government to remove every idea of friendly adjust-*  
‘*ment with the United States.*’

“Let us now suppose that France is willing to act, in this instance, upon the *true principles* of the law of reprisals; and to restore the property which she has seized, provided we consent to make reparation for the supposed injury, which alone could entitle her to call her proceeding *an act of reprisals*. Now we assert, that the administration of this country cannot consent to treat with France on this ground;—nor make the reparation which she may demand, without prostituting the national dignity and honour. They cannot proceed to negotiate with France on the principles of reprisals, without admitting the legality of the French seizures; without admitting, by necessary implication, that France had been injured by us, and is entitled to redress; without falsifying thus their own declarations, and conceding the point, that they were not authorized to confiscate French property under our Non-intercourse Law;—that is to say, that they were not authorized to exercise a right of territorial sovereignty which they have expressly allowed to France, in the case of the Berlin decree. Nothing, we think, can be clearer than this position;—that any act of restitution, whether real or imaginary, made by us to France, on the principles of reprisals, presupposes, necessarily, *that France is the party wronged, and the United States the offending nation*. To do any act, under all the circumstances of the case, and after the expression of feeling in which our government has indulged on this subject; to do, we say, any act from which such an inference could, by any possibility, be drawn, is to descend from the level of equality and independence in our relations with France, and to sacrifice our dignity as an equivalent for the restoration of property, for the detention of which there is not the least colour of justice or right.



“ This is, in fact, the very attitude of humiliation and disgrace in which France may wish to place us. She knows well that she has very little or no property to reclaim from us. It is not then to obtain a restitution of any actual losses sustained by the operation of our Non-intercourse Law, that she will *condescend* to treat with us upon the principles of reprisal. She calls, or may call, for the mere *formality* of a restitution, with no other view but to obtain reparation for *her injured honour*. She means to extort from us, in order to glut her own pride and to consummate our debasement, an implied admission that our Non-intercourse Law was an aggression on her honour, and her measure of sequestration but a fair and justifiable retaliation. We have nothing to restore to her, and must therefore be sensible, that she can have no other meaning in demanding from us the *formality* of a restitution.

“ Notwithstanding these obvious considerations, our secretary of state instructed general Armstrong to make an agreement to this effect, if it should be demanded,—*in a conventional form to be sanctioned by the senate of the United States*, stating, at the same time, that there was no apology between our Non-intercourse Law and the decree of Rambouillet! ‘ Light lie the ashes on American pride ! ’ ”

We must, however, in fairness add our opinion, that this strength of logic, however powerfully it might operate upon unbiassed minds, will be made to yield to the apparently infatuated policy which Messrs. Jefferson and Madison are unremittingly pursuing in their relations with foreign powers. The mention of these gentlemen’s names makes it necessary to inform those of our readers who may be ignorant of the circumstance, that, although removed from the head of affairs, Mr. Jefferson’s is still the invisible hand that guides the political machine. His principles are as completely predominant as during the eight years of his presidency ; and although there be wanting in the execution of them some-



what of the energy and decision which distinguish him from his successor, yet Mr. Madison is now, as he then was, certainly a very willing, and, in many instances, not an unworthy propounder of his system. We have, therefore, nothing to expect on the score of moderation or forbearance from the American government. All their wishes, prepossessions, and exertions, are embarked on the side of our enemy. Supposing the members of that government to be sincere and honest statesmen, they must also believe their interests to lie in the same direction. They, like some few of our own politicians, believe, or affect to believe, that the sun of Britain is setting; that we are doomed ultimately to succumb in the conflict which we yet maintain with the despot who has subdued the continent. It remains, therefore, with ourselves to confirm or to overthrow this belief. By our own acts must it be determined whether "our resources be yet unimpaired," and whether, as expressed by the poet,

"Our hearts are strengthen'd and our glories rise."—

An act is now in its passage through Congress, which, if it become a law, without any concomitant measure in regard to France of a similar import, of which no indication has yet arisen, will be a full, unequivocal, and avowed adoption, by the United States, of Bonaparte's continental system. It purports, that we may buy as much American produce as our market can dispose of, but that not a bale of British goods, manufactured or otherwise, shall be imported into the United States. This must be, and is, meant to have the full co-operative effect of the French burning decrees. What Mr. Canning only hinted at in his correspondence with Mr. Pinkney is now publicly avowed and acted upon. America has actually embarked in the only kind of warfare against us which her means will allow of. Fortunately we have means of converting this species of hostility into the

most ruinous engine of counter-action that imbecility ever brought upon the devoted head of its victim; and at the same time of multiplying our own native resources. From the competition of the produce of the United States with that of our own colonies, most of the articles of which it consists are so accumulated in our markets, as scarce to find a sale upon any terms that leave a fair profit to the importer. It is but justice to those of our fellow-subjects who have employed their industry and their capital in exploring new, and, for a time, doubtful sources for their own and their country's prosperity, that they, now the common utility of their discoveries is ascertained, should have the full benefit of them. It would be the only punishment befitting the dignity of a great empire to inflict upon the arrogance of a democratic faction, to shut them up in the mazes of their own labyrinth; to accept their challenge, and close upon their terms of Non-intercourse. It would be only a fit recompense to the intelligent and enterprising spirit of our own fellow-subjects to exclude from our home and West India markets the timber and the fish of the United States, the continued admission of which has been for some time a subject of just complaint in the mercantile world. We will not think so meanly of our country, of her statesmen, or of any class of her merchants or manufacturers, as to believe, that, for the comparatively small vent which now takes place of our manufactures in the United States, they would consent to surrender the dignity and the political importance of the empire to a band of demagogues, acting upon the principles, and in the manner, described by Mr. Walsh.

It remains for us only to remind our readers, that it is an American, not an English politician, whose opinions they are about to peruse. This should be continually borne in remembrance, to obviate the idea of any undue bias, either against the Gallic confederacy at Washington, or in favour of our own national sentiments. It is at the same time no

le than justice to a very numerous and very respectable part of the American community, to declare our firm conviction, that in the following passage, with which we shall conclude this short prefatory address, our author has correctly stated the sentiments of those amongst his countrymen who are most favourable to the cause of public and private virtue, of national and individual liberty :

“ We should lose all hope for the preservation of any of  
“ the true honours, or comforts, or embellishments of  
“ existence, if we did not discern in the midst of an ocean  
“ of confusion and of horrors, one solid rock braving the  
“ fury of the tempest, and invulnerable to the assaults of the  
“ billows. To this rock we look in part for our own safety,  
“ and therefore we would not, if we were left to our own  
“ option to decide, ourselves consent that one particle should  
“ be loosened from its supposed foundation, lest the whole  
“ concrete mass might give way.”

*March 9, 1811.*





AN

# INQUIRY,

ÆC.

Ἐν δὲ τι κοινὸν ἡ φύσις τῶν εὖ φρονούντων ἐν ἑαυτῇ κέκμηται φυλακτήριον, ὃ πᾶσι μὲν ἐστὶ ἀγαθὸν καὶ σωτήριον, μάλιστα δὲ τοῖς πλῆθεσι πρὸς τὰς τυράννας. Τί ἐν ἐστὶ τῆτο; Ἀπιστία. Ταύτην φυλάττετε· ταύτης ἀντέχεσθε· ἴαν ταύτην σῶζητε, οὐδὲν δεινὸν μὴ παθῆτε. Τί ἔν ζητεῖτε; ἔφην· ἐλευθερίαν; Εἴτ' ἔχ' ὁρᾶτε Φίλιππον ἀλλοτριωτάτας ταύτη καὶ τὰς προσηγορίας ἔχοντα; βασιλεὺς γὰρ καὶ τύραννος ἅπας, ἐχθρὸς ἐλευθερία, καὶ νόμοις ἐναντίος. Οὐ φυλάξεσθε, ἔφην ὅπως μὴ, πολέμῳ ζητῶντες ἀπαλλαγῆναι, δεσπότην εὕρητε.

“ There is one common bulwark with which men of prudence are naturally  
“ provided; which is the guard and security of all people, particularly of free  
“ states against the assaults of tyrants, and that is *distrust*. Of this be mindful;  
“ to this adhere, and you will be protected from disaster. Is it liberty that you  
“ seek? And do you not perceive that nothing can be more hostile to this than  
“ the very title of the man? Every despot is an enemy to liberty and a contemner  
“ of laws. Will ye not then be careful, lest, while ye seek to be freed from war,  
“ ye find yourselves his slaves?”

DEMOST. AGAINST PHILIP.

It is correctly asserted in some of our newspapers, that a serious alarm has been kindled in the breasts of many of our most enlightened men by the late extraordinary and unexpected news from France. The letter of the fifth of August from the French minister to general Armstrong is fitted to strike dismay into every intelligent and patriotic American who reflects upon the history of our past relations with France and England,—and upon the gross delusions which prevail among us with respect to the character and views of these two powers. This rapid transition on the part of the French emperor from a language of contempt and menace to one of admiration and friendship, wears a most portentous

aspect,—and is to be viewed as the most dangerous of all the modes of attack,—as the most skilful of all the evolutions which he could have devised in the real and implacable war which he wages against this country. There lurks in the honey which he now presents to our lips a most deadly venom,—and although we may not be able to comprehend all the motives and the entire scope of his present policy, we may be assured that his new decree is intended to produce a train of consequences which may involve our destruction. We consider it as the first duty,—as the immediate,—the personal,—the highest interest of every man among us, whose faculties qualify him for the purpose, to toll the alarm-bell without delay, and to summon the American public to an attentive consideration of the steps which they are now invited to take by the French government.

A person acquainted only with the series of outrages which Bonaparte has committed upon us during the last three years,—with the tenor of his previous language,—and with his characteristic habits and passions, would be disposed to ridicule all apprehensions such as those which we now profess to entertain, on the ground, that a declaration of love from him to this nation, must necessarily appear to every description of politicians, in the light either of a pleasant burlesque, or of an insulting mockery. But to one who knows all the circumstances of our condition, and the variety of interests and prejudices which conspire among us to second the designs of Bonaparte, no fears will seem extravagant, and no admonitions superfluous. We can discover, already, melancholy symptoms of the success which may attend this new decree, although it is, without doubt, a tissue of the most impudent falsehoods and the most contumelious irony that any state-paper ever embraced, or that any enemy, however insolent or insidious, ever dictated.

At its first appearance the predominant party was exhilarated beyond measure, and our merchants were generally credulous enough to suppose that the golden era of an unshackled and universal trade was about to be revived. A little reflection since has damped the expectations of both. The merchants, prone as they must be to credit the possibility of any state of things conformable to their seeming interests and their eager wishes, lose confidence as they reflect upon the contradictions which it is necessary to reconcile, before any reliance can be placed upon the declarations, or any positive opinion be formed concerning the intentions, of Bonaparte. The well-meaning members of our majority,

whose infatuation on the subject of France extends only to a most extravagant admiration, as well as panic-fear of her power, were perplexed by the duplicity of the language, and somewhat disgusted with the grossness of the flattery, which are but too apparent, even to their own eyes, in this *diplomatic billet-doux*. But the active and designing spirits,—those who, either from treachery or blindness, are so industriously labouring to convert our mild republic into a furious democracy, and our free country into a province of France, exulted in the opportunity which this new vicissitude seemed to afford them, of ripening the popular discontents against England, and of confirming their own dominion. They saw at once the utility of the crisis for their elections, and the immense advantage to be obtained over their antagonists by affecting to credit the benevolent professions of Bonaparte. The same belief is to be imposed upon the multitude; and they are then, before the sequel is known, to be represented as the saviours of the country, in having thus, as it were, miraculously charmed down his antipathies.

The chief source of elation for them, and the most important consideration for the public, is the tendency of the new decree to widen the breach between this country and Great Britain. It is notorious that there is not wanting here a multitude even of intelligent men so strangely infatuated as to desire a war with England, and to hail, almost with transport, every incident calculated to promote that object. To many, the destruction of the land of our forefathers would be the most satisfactory of all public events, and in the estimation of not a few, the great modern drama could have no other catastrophe more conformable to the interests of the United States.—Should Great Britain now refuse to abandon her system of blockade,—from which we are, for many reasons, inclined to suppose that she will not depart, and which our demagogues are very far from wishing to see relinquished, no efforts will be omitted,—no passions or prejudices left unassailed,—that may reconcile the public mind to the most desperate of all measures—a war with that power. The country has been more than once drawn to the brink of this fatal precipice, and it is now sanguinely expected that we will cast ourselves headlong into the abyss. Such is the doctrine which is already urged in the democratic gazettes, and we must confess that we are not without our fears with regard to its success. Unless the majority be enlightened on this question, and roused to a just sense of the dangers to which they will be exposed by any form of alliance with France, our



folly may swell to the pitch which her emissaries and her dupes have in view. Men of weak understandings and warm tempers may be heated and blinded by arguments plausibly urged; and the person who is now the ostensible head of the prevailing party may either suffer the moderation of his temper to be overborne by the violence of his associates, or consent to espouse their passions.

We are filled with dismay at this prospect, because we are firmly of opinion that any close connexion with France will seal the ruin of the United States. We know certainly and circumstantially that this country has a mortal and indefatigable foe in Bonaparte, and that our destruction is already systematically planned and industriously prosecuted. We know also the character of this foe, and that his resources of artifice are not less abundant and destructive than his instruments of coercion. We will not hesitate to pronounce that our fate is indivisibly united with that of England,—and if she falls, or should be provoked to consign us over to the irresistible force, or to the still more “hostile amity” of France, we may bid adieu not only to the blessings of freedom, but to the common comforts of existence. In the gradation of servitude we shall be the least favoured class, and may expect to be oppressed and bruised to the utmost limits of human endurance. It is irksome to utter these *verba malè ominata*—these ill-omened presages; and it may *not* be unattended with danger. But there is no consideration of false delicacy, or of peril, which should deter an honest politician, either at this moment, or in any similar conjuncture when the best interests of the country are at stake, from proclaiming the truth, and showing the whole compass of the evil.

It is therefore, that we now propose to submit to our readers an examination of the late letter to general Armstrong; together with some observations on questions in which we hold the safety of this country to be vitally concerned. We shall commence by a review of the deportment of France towards the United States anterior to that date, in order that we may be better enabled to seize the spirit and to fathom the motives of the new decree. To ascertain the previous state of the mind of a party on a particular subject, is to *advance* very far in the discovery of the true character and object of his declarations and proceedings at any time on the same subject, provided no adequate cause have existed in the interval to produce a revolution in his opinion or feelings. If our country has been for the last three years habitually insulted, menaced, and abused by the French government, and is now, without



any conciliatory submissions on our part, suddenly applauded and caressed—common prudence suggests that we should construe this unaccountable change as a new form of hostility, until we have the most convincing proof to the contrary. Sudden, unsolicited overtures of friendship from a power which for a series of years has practised against you every form of wanton and opprobrious enmity, should, so far from being greedily accepted, operate to keep you at a more cautious and jealous distance, and to fortify you in your distrust of his intentions.

Since the commencement of her revolution, France may be said to have existed by rapine and injustice, and by the very condition of her existence to have been at war with all mankind. The present government partakes in the nature of the revolutionary usurpations, and is *essentially* hostile to the whole human race. It can only continue to flourish while it continues to devote the finest countries on earth to ravage and to desolation:—while it proscribes all the moral virtues and all the charities of the heart:—while it pursues at home, under the guise of legal justice, and upon the plea of state necessity, a system of administration the most shamelessly immoral and the most cruelly oppressive, with which it has ever pleased the Almighty Providence to scourge any people. Blood and plunder constitute the nourishment of this rapacious and homicide despotism. Both from necessity and appetite, it must be constantly engaged in odious usurpations, and in acts of the most atrocious violence. There is something as stupendous in its profligacy as in its power. To gratify the ambition and the cupidity of the ruler of France, the whole habitable globe must be ransacked and enslaved. In order that mankind may be habituated to one scheme of polity alone, and that the spirit of liberty may be utterly quenched, every free government must be extirpated. All the state-papers and the public acts of France which have any relation to foreign countries, correspond to the spirit and the views with which we represent her to be animated. In pretensions as well as in fact, she transgresses all bounds of moderation and of equality. Her public documents of every description insult and degrade all independent governments. They uniformly challenge obedience from the rest of the world, and arrogate a supremacy of power and of dignity\*. They assert, without qualification

\* Among the most ignominious badges, as well as the most inextricable fetters, of the servitude to which the tributary powers of the North of Europe are subjected, is the compulsory establishment of the new French jurisprudence in their dominions. An elaborate work has recently been pub-

or reserve, the grossest falsehoods; and when they do not menace or calumniate, they either wound by sarcasms, or,—as in the case of the paper which we shall analyze,—indulge in professions of good-will, the hypocrisy of which is not less vile, than the intention is malignant.

In the person of every foreign minister at Paris, let his private character be what it may, the majesty of an independent government is habitually insulted and degraded. At this court of “upstart pride and plebeian insolence” he receives no attentions or courtesies but in the shape of alms, and must learn to submit throughout all the forms of diplomatic intercourse, to a tone of haughty superiority, and to an air of overweening arrogance. Neither in Rome during her most intoxicating successes,—nor at the levee of the barbarian Attila,—nor under the dominion of the still more savage directory of France,—did foreign ambassadors ever appear more like “plenipotentiaries of impotence,” or undergo more humiliating indignities, than at the imperial audience of the Tuilleries. The impetuous sallies of passion,—the ferocious menaces,—and the petulant reproaches to which they are alternately exposed, are not more incompatible with the temperate and natural majesty which belongs to regular and civilized monarchies, than utterly irreconcilable to the dignity and to the independence of the governments whose representatives are thus brutally assailed. There is not one of the diplomatic corps to whose unfortunate lot it has fallen to solicit the restoration of property violently ravished from his countrymen, who has not daily experienced the most mortifying neglect or the most insulting repulses. Scarcely one dares expostulate on the violation of private rights—which are, however, public wrongs in almost all instances. This system of degradation is now invested with the authority of prescription, and is submitted to universally as to an established order of things;—as to a body of peculiar customs;—just in the manner that we view the tribute paid to Algiers; or that the ambassadors of Europe consent to prostrate themselves at

lished in Paris, the purpose of which is to refute the objections which had been occasionally made, and which might arise, against the admission of the Napoleon code into the tribunals of Germany. This code has been already made the municipal law of Westphalia, and will soon become that of Sweden and Denmark, and perhaps of the whole continent of Europe. It is an instrument of dominion scarcely less powerful than the sword. We shall soon be able to apply to France what Claudian said of Rome,

*Armorum legumque parens, qui fundit in omnes  
Imperium.* De Consul. Stilic.

the footstool of an oriental monarch;—or that the Dutch, in the prosecution of their trade with Japan, were said to trample on the cross.

Before we commence the particular discussion of Bonaparte's deportment towards us, we will make, with regard to his government, another general observation—which was originally applied by Mr. Burke to the revolutionary banditti, and which is equally just in the present case. It is this;—that no arrangement can now be made with France in the pacific spirit of the conventions of former times. There are no elements of good faith remaining in her cabinet:—there are no ties of interest, according to her system, which can prompt or bind her to a durable pacification. She has no common modes of action or habits of policy,—no conformities or sympathies, with the rest of mankind. Her plan of universal conquest insulates her, and makes all compacts or treaties which she may form, either weapons of annoyance, or a preparation for more destructive hostility. The passions,—the habits,—the necessities of her rulers confine them to one invariable system of war on the human race. If we were to form a solemn treaty, or to arm in co-operation, with them, what is it that would serve as our guarantee? Surely not any resemblances, or sympathies, or feelings of attachment between the individuals of the two nations? Surely no *mutual* dread or respect between the two governments? Surely no sentiments of charity or gratitude on the part of France in favour of a weak but devoted ally? There is no man in his senses who can rely upon any of these considerations for the national safety.

Since, then, there are “no obligations written in the heart,”—no principles of fear,—which could restrain France hereafter from violating her engagements with the United States, we must depend upon her sense of interest alone, the sole spring, as it is sometimes contended, of the actions of all governments. But who is it that will affirm, that six months or a year hence France will deem it her interest to be at peace with the United States? Are we quite certain that her government, notwithstanding its present declarations, does not mean to wage a systematic war on commerce in every quarter of the globe? Is it probable that Bonaparte will consider it as his interest to foster the political institutions of the United States? Or rather does not every argument which analogy or facts can furnish, lead to an opposite conclusion? There are, we think, the most irresistible proofs to be deduced from both, which show that it never will fall within “the views of his policy,” to promote the trade, to increase the power, or even to



tolerate the constitution of this country. If we were to admit that it would remain the obvious interest of France to cultivate and preserve our friendship, there are circumstances in the relative position of the two nations, which would render the continuance of a good understanding between us at all times extremely doubtful.—“We trust too much,” says Mr. Burke, “to the interests of men as guaranties of their engagements. The interests frequently tear to pieces the engagements, and the *passions* trample upon both.” The passions of the French government are domination,—hostile intrigue,—military glory,—contempt of trade and traders,—hatred to whatever is English;—and these passions will inevitably smother its true interests, “and trample upon” its most solemn engagements.

It is universally admitted that our national dignity has been grossly outraged, and our rights repeatedly invaded, by the government of France. The robberies and the insults to which we have been subjected during the last three years would seem quite sufficient to have exasperated, roused, and determined any high-minded people. Until the promulgation of the late lullaby from our imperial lover, his proceedings had almost conquered that obstinacy of unbelief with regard to his real dispositions, and that code of absurd and pernicious opinions, by which the understandings of our majority were fettered, and of which the tendency is no less fatal than the foundation is weak. Even our administration—as timorous as women in their relations with France, as froward as children towards Great Britain—were compelled to acknowledge the futility of their humble efforts to propitiate their rapacious ally, and announced to the public the possibility of some further intelligence from Paris still more distressing than the confiscation of all the American property within his grasp.

They did not, it is true, disclose this ominous catastrophe in that strain of lofty indignation and of manly resentment which became the guides and guardians of a powerful and magnanimous nation,—but in pining regrets and piteous lamentations, which, however unsuitable to the dignity and obligations of their trust, were still calculated to startle the mere dupes of party, and to testify the hopelessness of our long and eager pursuit after the ruinous fraternity of French despotism. On reading the wailings of the National Intelligencer, we began to hope well for the good cause, and were even grateful to the French emperor for having, by his intemperate rapacity, forced upon all parties the conviction that his cannibal

friendship was not to be conciliated by any importunity of solicitation, or by any number of pious diplomatic pilgrimages. But it seems that we were too sanguine;—that the majority are about to relapse into that preposterous credulity from which they were but imperfectly reclaimed;—that a mere declaration of Bonaparte, full of palpable falsehoods and of arrogant pretensions, is to outweigh all the sad experience of the past, and to heal all the wounds which he has so recently inflicted both on our commerce and our honour. We call upon the reflecting men of this country to pause before they give full expansion to the fancy on this subject, and to determine, upon a comparison of the past language and conduct of Bonaparte with his present professions, whether there be any rational grounds for exultation at this crisis;—whether the character of the present French government, such as we have portrayed it, justifies the hope that we can, without certain destruction, ever form any close connexion with France while that government endures.

We shall commence an investigation of the past deportment of Bonaparte by a review of the Berlin decree; not because it is the first in the long funeral procession of our wrongs, but because it forms an epoch in the history of French injustice, and was the preface to a general plan of politics with respect to this country and to the continent of Europe. The leading object of this plan we suppose to have been,—the extinction of trade in all the countries subject to French influence, and as a consequence—the decay of the commercial spirit and of the genius of freedom. We mean however to consider the Berlin decree merely in the light of an unwarrantable invasion of neutral rights, and of the independence of all neutral nations. On this point also, little need be said, as the most zealous advocates of French injustice do not now hesitate to admit that it deserves to be so described. It was at first liberally interpreted as an act of territorial sovereignty alone; but this construction, so soothing to the fears and hopes of our administration, was soon invalidated by a solemn declaration of the framers\*.

\* It is rather singular that this decree should at any time have been considered as an exercise of mere territorial sovereignty. This would have been its true character if it had been only a prohibition to neutrals to enter the ports of France after having touched in England; but, according to the official expositions given of it at the time of its enactment, *it went so far as to interdict England as a place of destination to neutrals leaving the ports of France.* This was an exertion of authority beyond the limits of municipal jurisdiction. It is said expressly in a report made by Talleyrand to the emperor on this subject, of the date of the 20th November 1806—"that every vessel which should attempt to sail from the ports of France or her dependencies for England, should be seized and confiscated." The same idea is repeated in



The secondary aim of the French government in enacting this decree was, we believe, to provoke the British cabinet into measures of retaliation; and thus both to facilitate the destruction of trade on the continent, and to fan the flame of discord between us and Great Britain. The studied ambiguity with which it was worded, was treacherously calculated to second this part of the design; and its operation was intentionally narrowed in order to lull the apprehensions of our merchants, and to enable the American government to save appearances by giving it an interpretation favourable to the integrity of their rights. As soon as the British orders in council appeared, conformably, as we think, to the wishes and expectations of Bonaparte, the mask was entirely removed, as it was at once seen, that, in consequence of the severer pressure of those orders upon our trade, nearly the whole weight of the public resentment would be turned against England, and that our administration, if not precipitated, by popular fury and factious intrigue, into a war with that power, would, at least, be relieved from the embarrassment of making even a show of resistance to France. The Berlin decree, was then,—in violation of the law of nations and of the particular treaty existing at that time between the United States and France,—officially announced to have been intended from the beginning as a prohibition to neutrals of *all trade* with England. Such was the first general attack made on our neutral rights by Bonaparte; and the injury of this proceeding was aggravated by the insulting deception practised in the first instance with regard to the scope of his decree;—by the mockery of a delusive interpretation from the minister of the marine, written without doubt—as all the public declarations of such a functionary must be,—under the authority of the Emperor,—and afterwards so impudently disavowed and cancelled \*. In this transaction, as well as in all our subsequent

the proclamation of general Bourienne to the senate of Hamburg, dated Nov. 23d, 1806.

\* The French minister of foreign affairs condescended to trifle with general Armstrong in the following way: In a letter dated 21st of August 1807, on the subject of the Berlin decree, he holds this language: "As the execution of the maritime measures indicated by the imperial decree of Berlin rests naturally with his excellency the minister of the marine, and as, moreover, he has already had the honour of addressing some observations to you on the subject of the application of that decree, I asked him for the new explanations which you might desire." In a second letter, dated September 18th, 1807, he tells general Armstrong that he had submitted to his imperial majesty the doubts of his excellency the minister of the marine on the subject of the extent of some of the provisions of the imperial decree, and that his majesty had not decided "whether French cruizers might possess themselves of neutral vessels going to or from England, although they had no English merchandise on board:"—and finally, in a third letter of October 7, 1807—"that his majesty did consider every neutral vessel going

relations with France, and eminently in the late proceedings—not only has our independence been trampled upon, and our property plundered, but we have been treated like children and dotards—as poltroons and dupes—alternately bullied and cajoled, spurned and caressed.

The justification alleged for the Berlin decree by the framers, and the palliation offered in this country by the friends of France, rest upon the system which the British cabinet had antecedently pursued with respect to neutral commerce. We will not hesitate to allow that this system was not always liberal or just, and that it has often savoured more of “the waywardness of will than of the steadfastness of law\*.” Nor are we more backward to assert that it has not deserved all the invectives with which it has been alternately overwhelmed by every commercial nation; and that the acts of rigour and oppression with which it is charged may be as frequently traced to an erroneous conception of right or to the pressure of a seeming necessity, as to the lust of plunder or the spirit of lawless usurpation. But it is not necessary to investigate the injustice of British claims, or the abuses of British power, in order to show that they afforded no solid platform for the Berlin decree under the circumstances in which the world was placed at the period of its enactment. Nor will it, we trust, be deemed incumbent upon us to trace the previous history of Bonaparte in order to make our readers sensible with how poor a grace, or rather with what matchless effrontery, he now undertakes to inveigh against the abuses of power, and to proclaim himself the avenger and the champion of neutral rights.

It cannot be denied but that our trade was in a most flourishing condition at the period when the Berlin decree

“from English ports with cargoes of English merchandise, or English origin,  
“as lawfully seizable by French armed vessels.”

\* If the world were in any other state than the present, we would remind the British nation of the following passage from Mr. Burke:

“Among precautions against ambition, it may not be amiss to take one precaution against our *own*. I must fairly say, I dread our *own* power and our *own* ambition; I dread our being too much dreaded. It is ridiculous to say we are not men; and that, as men, we shall never wish to aggrandize ourselves in some way or other.—Can we say, that even at this very hour we are not invidiously aggrandized? We are already in possession of almost all the commerce of the world. Our empire in India is an awful thing. If we should come to be in a condition not only to have all this ascendant in commerce, but to be absolutely able, without the least control, to hold the commerce of all other nations totally dependent upon our good pleasure, we may say that we shall not abuse this astonishing and hitherto unheard-of power, but every nation will think we abuse it. It is not impossible but that, sooner or later, this state of things may produce a combination against us, which may end in our ruin.”



was promulgated. Our commercial prosperity was in "its high and palmy state," notwithstanding the vexations and losses arising from the British system. France and the countries subject to her control were as abundantly supplied with articles of foreign produce as was consistent with the character of the war which they waged, and with the nature of the offensive means employed by their enemy. After Great Britain had annihilated the marine of her antagonists, it followed of course and of right, that the active foreign trade of the latter was to cease, and that their ports were to be blockaded when an actual force could be provided for that purpose;—that the field of enterprise for neutral trade was to be narrowed, and the number of ports for its reception greatly curtailed. These were the natural and legitimate consequences of a maritime superiority achieved with a vast expenditure of blood and treasure, in a regular course of fair hostilities. These were the consequences which we were to expect. Of these neither this country nor France had a right to complain. They were not breaches of the laws of nations, but the natural and necessary effects of naval force which, from time immemorial, had been so applied.

The emperor of France could not but be sensible of these truths, and therefore, in order to make out something like a case against Great Britain in his official vindication of the Berlin decree, he is compelled to assert quite a new code of public law which never existed but in the distempered fancies and wild theories of the revolutionary madmen of France, and in the absurd writings of some of our own visionary politicians. It is declared that none but *fortresses* can be lawfully blockaded; and England is stigmatized as the tyrant of the seas, and accused of trampling upon the public law of Europe, because she exercises the right of search, and captures even the merchant-vessels of her enemy at sea\*. We had once at the head of the councils of this nation a speculative and philosophic friend of Bonaparte, and, consequently, of the human race, who it is said had adopted this novel scheme of maritime war; but we presume that there is no man now engaged in the direction of our affairs;—no sober-minded person in this country,—who would consent to fight the British, or who would defend the Berlin decree, on such grounds as these. As well might England have announced to the world that the public law of Europe was violated, whenever continental war-

\* See the Reports made to the emperor and to the French senate on the subject of the Berlin decree, and the letter of Champagny to general Armstrong, dated August 22d, 1809.



fare was extended beyond the mere rencounter and capture or destruction of troops, and have issued and justified her orders in council upon the ground that the unfortified towns of her allies were occupied,—contributions levied upon them,—and soldiers billeted upon their inhabitants! If our disputes with the British concerning the impressment of seamen, the right of a direct colonial trade, or the affair of the Chesapeake,—questions in which France had no real interest,—could justify the interference of Bonaparte by the Berlin decree, then might the British have enacted their orders in council upon the ground of our separate altercations with France,—upon the confinement of American seamen in her prisons,—the arbitrary detention and seizure of American vessels in her ports; the burning of them at sea,—the boundaries of Louisiana, and a host of etceteras. There is a perfect parity of reasoning in the two cases, and a much broader basis of analogy for the British.

That which appears to the eyes of our public as the strongest point of defence, and the most plausible pretext for the Berlin decree, is, the manner in which the British are said to have exercised the right of blockade, even according to their own definition. We must confess, that, after a very diligent research into this matter, we can find but few instances in which the principles of blockade were enforced for any length of time under the avowed authority of the British government, without an actual investiture. Certainly the cases which have occurred were not a sufficient ground for war; nor can the most extravagant advocate of France contend that the general practice under this system was such as to warrant so tremendous a retaliation as the Berlin decree.

The leading case of constructive blockade which Bonaparte, knowing well how insufficient it was for his purpose, forbears to specify in his official vindication of his decree, is that of May 1806, comprising the whole coast from the Elbe to Brest. It may be well briefly to examine this case, in order to ascertain what foundation it affords for the Berlin decree. It is not avowed as a constructive blockade; nor is the right of blockading without actual force arrogated, by Mr. Fox in his official notification of this measure to Mr. Monroe\*. His Britannic majesty is declared to have ordered

\* The notification is as follows.

MR. FOX TO MR. MONROE.

*Downing-street, May 16, 1806.*

"The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr. Monroe, that

the necessary measures to be taken for blockading the entire coast, and it is correctly stated that a considerable part of that coast (from Ostend to the Seine) was then actually and strictly blockaded. It does not operate like ordinary blockades, as a prohibition of all trade with the ports or coasts so blockaded, but merely *interdicts the ingress of vessels trading directly from a port of the enemy, or laden with enemy's goods*. We know not whether the British admiralty board could station on this coast a force sufficient for the object of a blockade,—but of this we are sure, that the British government had a right to interrupt the trade with which alone this nominal blockade interferes\*.

The inducements to this measure on the part of the British cabinet are alleged by Mr. Fox to be the extraordinary measures taken by France to distress the commerce of British subjects, and (he might have added) of neutral traders also. These measures, on which we propose to say more hereafter, were indeed *extraordinary*; and if this transaction, or any other antecedent and supposed abuses of maritime power by the British, be deemed sufficient to justify the Berlin decree, the former might afford, by the same mode of argument, the fullest justification not only for the blockade in question, but for the orders in council. The measures of France in question were no other than the usurpation of an authority in all the cities along that coast,—many of them nominally free and neutral,—to harass and annihilate the trade in British commodities, and to confiscate all articles of British merchandise,

the king, taking into consideration the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of his subjects, has thought fit to direct that the necessary measures should be taken for the blockade of the coasts, rivers, and ports, from the river Elbe to the port of Brest, both inclusive; and the said coast, rivers, and ports are and must be considered as blockaded; but that his majesty is pleased to declare, that such blockade shall not extend to prevent neutral ships and vessels, laden with goods not being the property of his majesty's enemies, and not being contraband of war, from approaching the said coasts, and entering into and sailing from the said rivers and ports (save and except the coast, rivers, and ports from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued), provided the said ships and vessels, so approaching and entering (except as aforesaid), shall not have been laden at any port belonging to or in the possession of any of his majesty's enemies, and that the said ships and vessels, so sailing from the said rivers and ports (except as aforesaid), shall not be destined to any port belonging to or in the possession of any of his majesty's enemies, nor have previously broken the blockade."

\* See this argument fully developed in a masterly note of lord Howick (now earl Grey) addressed to Mr. Rist the former Danish *chargé des affaires* in London, and contained in the New Annual Register for 1807.

to whomsoever belonging, whether to neutrals or to British subjects :—thus grossly violating, with sensible injury to the British, the most sacred and important neutral privileges.

What then is there in this blockade of the coast from the Elbe to Brest co-extensive with the Berlin decree, either in the injustice of the principle or even in the injury of the practice? What plausible justification can be alleged for the Berlin decree, which the British might not have urged to support the orders in council, had they been issued in the first instance? In prohibiting all intercourse with Great Britain, in consequence of the depredations of the British on neutral trade, the conduct of Bonaparte was not more warrantable, than that of the British would have been, if they had interdicted all communication with France and her dependencies, in consequence of the outrages perpetrated by Bonaparte on the neutral nations of the continent. The plea of England would, in fact, have been stronger, inasmuch as her interests were more deeply affected by the depredations of France than were those of the latter by the injustice exercised by Great Britain on the ocean.

We do not pretend to vindicate the orders in council. They have always appeared to us, notwithstanding the provocation of the Berlin decree, as in the highest degree ill-timed, impolitic, and unjust\*.—But if they had been issued even before that decree, they might have been much more plausibly defended, and upon much stronger grounds. Contending as Great Britain does for her existence against a foe who, according to her doctrines, can be weakened and brought to terms, only by the commercial distress of his dominions, she may, *with some colour at least of right*, employ her power to the attainment of this end. This ground would be much more dignified as well as more solid than the principle of retaliation and the acquiescence of neutrals.

The doctrine of retaliation is of recent date, and appears to us to be pregnant with the most pernicious consequences. By the term *retaliation* we have always understood something like measure for measure;—an injury proportioned to an injury. But the orders in council, as far as this country was

\* Lord Temple asserted (in the house of commons) in the debate of February 5th, 1808, on the orders in council, “ that the French directory in 1797 had adopted a line of conduct similar to the decree of the 21st of November;—“ that, on the occasion, there were many who applied to Mr. Pitt for a measure of retaliation, like what had now been adopted. But the latter answered, that he had too much respect for the constitution of the country and the law of nations to do so.—Such was his policy.”



concerned, went immeasurably beyond all limits of equality to the provocation. Our acquiescence in the Berlin decree, however incompatible with our honour and our real advantage, was less detrimental to the interests of Great Britain than any ineffectual resistance would have been; and there can be no doubt but that all resistance would have been ineffectual.

The doctrine, that one belligerent has a right to trample upon all neutral rights, and to ruin all neutral trade, merely because another chooses to set the example, is warranted by no precedent whatever in the history of the former wars of Europe, and leads to the most revolting consequences\*. It would entail the virtual abrogation of the law of nations during any hostilities which might supervene between any two leading powers. As soon as one profligate belligerent committed an outrage upon neutral rights, the other, according to this reasoning, would be absolved from all the obligations and restraints of that great code, which was formerly considered as no less binding in time of war than in the season of peace, and which, principally on account of the protection which it afforded to the weak and pacific, was, before the French revolution, the pride and security of the civilized world. Neutral

\* We may well apply to this case the following passages from lord Erskine's elegant protest against the principle of the Copenhagen expedition:

"It is the first and most indispensable maxim of public law, founded  
 "indeed upon the immutable principles of justice, that no violence should  
 "be offered by one state to another, nor any intrusion made upon the rights,  
 "property, independence, or security of its inhabitants, *except upon an aggression by such state*, and the refusal of adequate satisfaction; or in the rare instance of indispensable necessity, involving national destruction, such as in  
 "the case of an individual would justify homicide for self-preservation: and  
 "the observance of this rule should, if possible, be held more sacred by great  
 "and powerful nations, it being the very end and object of universal law to  
 "give perfect security to the weakest communities, under the shadow of an  
 "impartial justice.

"Such a principle would be utterly subversive of the first elements of  
 "public law, being destructive of the independence of weaker states, inasmuch as it would create a jurisdiction in the stronger nations, to substitute  
 "their own security and convenience for the general rule,—and invest them  
 "also with the sole privilege of determining the occasions upon which they  
 "might consider them to be endangered. To justify the attack and plunder of  
 "a weak, unoffending power, upon the assumption that a stronger belligerent  
 "might otherwise attack and plunder her, would be to erect a new public law  
 "upon the foundations of dishonour and violence, making the tyranny of one  
 "nation, a warrant for substituting the dominion of oppression for the sacred  
 "obligations of morality, humanity, and justice."

Mr. Madison has argued this question with great force and propriety in his letters to Mr. Pinkney on the orders in council.—The arguments on this subject which are contained in a note of the former to Mr. Erskine, dated 25th March 1808, are, we think, altogether irresistible.

nations may—if this new principle of retaliation should prevail,—give up their rights in despair, as it will scarcely ever happen that war will not be waged between the great monarchies of Europe,—and that one of the belligerents will not be found sufficiently profligate to break through the fences of the law of nations, in order to secure some temporary advantage, or to gratify some momentary resentment.

The Berlin decree first asserted this mischievous doctrine of retaliation, which, unsound as it is in its essence, was eminently futile in the case it was adduced to support, and almost ludicrous in the mouth of a power so notoriously regardless of the principles of justice and of the rights of neutrals. Even if we admit the validity of the general doctrine, the injury which France herself had sustained—or to which our commerce had been subjected by any *unlawful* exercise of the maritime power of Great Britain, furnished no matter of retaliation to warrant a measure, which, if it could have been carried into full operation, would have lopped off the most important branch of our trade, and severed us, as a member of the commercial world, from the head and heart of the commercial system.

The trade of the United States flourished to an unexampled extent in the year 1806—the era of the Berlin decree. France and the nations of the continent, although exposed to much distress from the natural and legitimate effects of the British superiority at sea, were then comparatively easy, and not ill supplied with commodities from abroad. We wanted no such vindication of our rights;—they required no such remedy for their sufferings, as that which his imperial majesty condescended to provide\*.

We believe there is no well-informed and dispassionate politician who, upon an attentive consideration of this subject, will not find himself compelled to admit, that the Berlin de-

\* The character which Bonaparte himself gives to his decree deserves to be reported. "It has been painful to us," says he in his message to his senate on this subject, "to return, after so many years of civilization, to the principles which characterize the *barbarity* of the first ages of nations." The minister of foreign relations, in his report to his master on the same subject,—after declaiming against England in the usual strain, proceeds in this way: "Against a power which forgets to such a pitch all ideas of justice and all humane sentiments, what can be done but to forget them for an instant one's-self, in order to constrain her to violate them no longer? The right of natural defence allows of the opposing an enemy with the arms he makes use of, and, if I may so express myself, to react against him *his own furies and folly*."

cree was the first great, sweeping invasion of the commercial interests and independence of this country:—that it struck at the root of all commercial intercourse in time of war:—that it was the source and fountain-head of all the evils—“of that Iliad of woes”—which have since afflicted this country, and the continent of Europe:—of the embargo—that miserable subterfuge of folly and pusillanimity—which as a defensive system resembled—to employ a comparison of Bolingbroke—a suit of armour too heavy to be borne, that wasted the vital strength of the wearer; which under the imposing aspect of an heroic self-immolation, was, in fact, but a ruinous and disgraceful flight from difficulties which our administration had not the courage to face, nor the wisdom to avert, and which, as is happens to nations in all cases where they prefer a sacrifice of honour to the risk of danger, have multiplied upon us and besieged us ever since\*.

The emperor of France has rendered himself justly responsible by his decree for the mischievous effects of the orders in council; of which,—as he intentionally provoked them,—the malignity may be imputed to him, and the folly to the British ministry. We think that every good citizen should detest and combat the spirit with which that decree was framed, if,—as it appears to be almost universally acknowledged,—it had for its ulterior object, the kindling of a war between the United States and England;—an event which, as Bonaparte well knows, would infallibly induce our ruin. Above all,—we hold the Berlin decree in utter abhorrence, and so should all patriotic Americans, as the original cause of that state of things in Europe, which has led, incidentally, to an exposure before the world, of the imbecility of our public councils. Had not that decree been issued, our administration might not have fallen, for want of an excitement, into that policy of degradation, by which we have lost “the high flavour and mantling” of our revolutionary honours, and all estimation in the eyes of mankind. Since the epoch of the Berlin decree, humiliation has been our element—our valetudinary habit. We have grown,—as Mr. Burke said of his own government in consequence of its forbearance with the directory,—“more malleable under the “blows of France.” Fortune, “that common scapegoat of poor

\* “Nothing,” says Mr. Burke, “is so rash as fear. The counsels of pusillanimity very rarely put off, while they are always sure to aggravate, the evils from which they would fly.” *Regicide Peace.*



“politicians,”—has become our chief reliance. After having been for a series of years buffeted and plundered, mocked and insulted by a military despot, we seem transported with joy at the first smile which he deigns to give us, although our reason dictates that it is still more fatal than his frowns; and our honour exacts from us an indignant rejection of the embraces of a tyrant who is the implacable and indefatigable foe of that freedom which we profess to adore, and who presents himself reeking with the blood and bloated with the plunder of innumerable victims, whose only crime was resistance to his insatiable ambition\*.

We have dwelt so long on the Berlin decree, that we are enabled to add but a few words on the subject of that which was afterwards issued from Milan. If the former had even been strictly just, the latter, which was declared to be a sort of supplement or corollary, would, on account of the unparalleled violence of its character, have rendered Bonaparte—if we may so express ourselves—a *trespasser ab initio* on the laws of nations;—as in municipal jurisprudence, the abuse of a legal privilege sometimes operates retroactively to taint and vitiate the whole course of action.

The Berlin decree, upon a fictitious plea of retaliation, interdicted to neutrals all trade with England and her possessions; and although the efficacy of it was not coextensive with the design, it was, in its partial operation, of very serious injury to our interests. The orders in council, built upon a mixture of truth and falsehood, as to fact, and upon what appears to us a gross error in doctrine,—the pretended right of retaliation,—allowed us no trade with France and her dependencies, but upon condition of paying a toll or tribute to England. The Milan decree, as a system of reprisal again, transcended all bounds of justice and moderation, and aimed, in fact, at the total banishment of neutral commerce from the ocean. It subjected to capture and confiscation every neutral

\* When we reflect upon the elevation to which this individual is exalted, —“his head striking the heavens;”—upon his private character, which is gloomy, unsocial, and taciturn in the extreme; upon the unhallowed spoils which he has heaped about him, and on which he riots in sullen complacency and in “grim pomp,” we are forcibly reminded of the description which Virgil gives of Polyphemus in his cave:

—*Ipse arduus, altaque pulsat  
Sidera: (Di, talem terris avertite pestem!)*  
*Nec visu facilis nec dictu affabilis ulli.*  
*Visceribus miserorum et sanguine vescitur atro*  
*Vidi egemet.—*

vessel which submitted to the operation of the orders in council, or consented to be searched or visited by a British cruiser; leaving thus,—if it could have been executed,—no alternative to the neutral, but the total relinquishment of navigation. If the marine of France had been such as to enable her to execute her decrees, a neutral ship would have been almost as certainly exposed to encounter a French or English cruiser as to feel the winds of heaven. As the case was, the extent of the British navy reduced it to almost the same certainty.—By a refinement of injustice, our merchants were rendered responsible for the pressure of an unavoidable necessity, unless they chose either to condemn themselves to total inaction, or to make war upon a nation against which we possess no means either of annoyance or defence, and of which the hostility would be less fatal than the alliance of France.

There was in the Milan decree much of impotent fury indeed, but not less of rancorous malice. Whatever impetuosity of temper may belong to Bonaparte, we know well that he has an equal share of sagacity and craft. Those who imagine that he issued his decrees merely with a view to the proximate effects which his physical means enabled him to give them,—or in a paroxysm of rage, without weighing well the absurd disparity between those means and the ends which he professed to have in view, have attended but very superficially to the course of his actions, and are but ill informed with respect to the acuteness and sangfroid of his counsellors. Having the result of our own personal observation before us, and the transactions of his reign in our eye, we can never image him to ourselves as a madman in his cell fancying himself to be Jupiter, and hurling paper bullets, in the persuasion that they were the unerring thunderbolts of the monarch of Olympus. In laying his interdict on the navigation of the ocean, and pronouncing a solemn sentence of excommunication against England, he resembled the popes of the sixteenth century, when they attempted to exercise an impotent authority, and to revive an obsolete claim, only in the ridiculous disproportion between his means and pretensions. Bonaparte never would have exposed himself to the derision even of his own subjects, by declaring England to be in a state of blockade, if his object had been simply to assert an abstract right of reprisal, or to prevent the circulation of British merchandise throughout his dominions.

We do not know an instance in which the spirit of rodomontade natural to the French character, or the impulses



of rage, have hurried him into measures not conducive to some politic and deliberate purpose; and we are well assured that it was not under such influences that he issued his impracticable, and seemingly vain-glorious menace against England. He involved neutral commerce in one sweeping prohibition, and drew an imaginary circle about England, not with the sole view of interrupting her commerce with the continent, but in order to furnish the British cabinet with a measure of retaliation suitable to the latitude with which he wished them to act, and also to rouse such feelings, either of indignation or of false apprehension, as would impel them to retaliate in practice to the full extent of his theoretic provocation.

He thus achieved two important ends, which we must suppose him to have had in view, in order to be enabled to furnish a rational explanation of the seeming extravagance of his conduct. The one was to obtain from the British an efficacious co-operation in his plan of extinguishing the whole trade of the continent, and to shift the odium of the event from himself to them: the other, to provoke a war by the same means between us and Great Britain,—an event which would not only injure his enemy in her most vulnerable points, but contribute more than any other state of things to deprive the continent of Europe of trade, as the British would, in that case, soon sweep all foreign commerce from the ocean. The Milan decree was but another step in the prosecution of the same plan. It proceeded neither from irritation,—nor from any view to the accomplishment of the avowed purpose;—nor was it intended as a mere *assertion* of right in order to convince the world that France did not mean to admit the pretensions of her rival. The Milan decree was destined to confirm the English ministry in their policy of retaliation; and to kindle new alarms in the people of this country on account of the new dangers and prolonged imprisonment with which it seemed to threaten their trade. All these clamorous declamations against British injustice;—these vindictive but ineffectual denunciations against the supineness of neutrals;—this blustering and licentious violence of doctrine;—were, in fact, on the part of Bonaparte, mere theatrical parade;—a well-wrought veil to blind the British to his real views;—so many stimulants to exasperate us the more against his enemies, and to alarm our timid statesmen into submission.

He knew well that our national irritability was connected with a strong principle of calculation, and a lively sensibility to our immediate interests. He foresaw that the United States,

forgetful of the malignity of the chief juggler, would be ready to wreak all their vengeance on his shortsighted foe, who, in blind subserviency to his schemes, crushed us with the weight of her power. He reasoned from an accurate knowledge of the public mind of this country, when he supposed, that, smarting under the deep wounds inflicted by the misguided but potent ministry of England, it would ascribe to them, and couple with the exercise of their maritime superiority, all the rancorous malevolence and profligate cupidity by which he himself was animated. He drew no false conclusion concerning the combined operation of our prejudices and our fears, when he argued that all the indignities and outrages which he might heap upon us would,—while the causes of our resentment against Great Britain continued to subsist,—be but faintly resented, or perhaps overlooked.—He manifested correct views of human nature when he calculated that even the nations of the continent, perishing from the want of trade, would forget the true origin of their privations, and reserve their hatred for the British, the immediate instruments of their distress. He anticipated, that, seeing no hope of relief from within, they might co-operate the more cordially in his plans for the destruction of England,—the apparent obstacle to the revival of their commerce. After having trampled upon our dignity and our rights, and gratified his love of plunder at our expense, he now discovers that, from the operation of various causes, the people of this country are not to be *driven* or *terrified* into a war with England; and he has, therefore, on this account, and for other reasons which we shall discuss in the sequel, resolved to employ another tone, and to make a *seeming* change in his policy.

About the period when the Berlin decree was promulgated, measures were taken by the French government for the seizure and confiscation of all merchandise whatever of British origin, without any exception in favour of neutral owners,—in various ports of the Mediterranean, and of the North of Europe. “I find,” says the American secretary of state, in one of his letters to general Armstrong, “by accounts from Hamburg, Bremen, Holland, and Leghorn, that the trade and property of our citizens have been much *vexed* by regulations subaltern to those of the original decrees of November.” *The regulations* which are here, in the *mezza voce*—the soft language of Mr. Madison, said to have *vexed* the trade of American citizens, amounted to nothing less than the absolute confiscation, in ports nominally independent of France, of a vast

quantity of merchandise and colonial produce alleged to be of British origin, although acknowledged and known to be the *bonâ fide* property of American merchants. The trade in these commodities was warranted by the law of nations,—it had been before regularly carried on under the authority and implied protection of the governments to which the ports mentioned above were ostensibly in allegiance,—it was prosecuted by our merchants without an apprehension of danger, and without a suspicion that it was held to be illegal even by the French government.—Yet the seizure was made without any formal prohibition of the trade itself; without any previous intimation of an intention to proscribe it; and in direct opposition to the wishes and to the interests of the governments within whose jurisdiction and under whose protection our citizens had placed their property. Deputations were sent both from Tuscany and Naples to Paris, under the auspices of the *sovereignities of those countries*, humbly to solicit the restoration of the plundered merchandise. Exertions to the same effect were made by the American minister in the French metropolis; but their united entreaties and remonstrances were unavailing, and no restitution whatever has as yet been made for so wanton a robbery.

There is no principle of the law of nations more firmly established or generally recognised than this;—that it is the duty of a state, when about to discontinue even an indulgence accorded to the subjects of another, to give due notice to the latter of the intended change, if it be of a nature materially to affect their interests. To attach penal consequences, suddenly and without any previous intimation of an offence given, or of umbrage taken, to a course of action either generally admitted to be lawful, or long indulged with impunity, is on the part of a government, if done with regard to its own subjects, the rankest tyranny, and—when practised in relation to those of another state,—a gross violation of the principles of public law. If France had long tolerated in her own dominions a neutral trade in commodities either the produce of British manufactures or the growth of British possessions, believing it nevertheless to be contraband, she could not, without infringing our rights, have taken our merchants engaged in it by surprise, and inflicted upon them the penalties of guilt for a commerce supposed by them to be innocent, and never declared by herself to be criminal. But to stretch the arm of her military power to the territories of other states; and there to plunder our citizens of a large amount of property as a punish-



ment for the prosecution of a trade not repugnant to the laws of nations, or to any municipal regulation, was an outrage of a much more flagitious character, and one in which our government never should have tamely acquiesced.

If there could be any indignity more overwhelming than this, it is the burning of our merchant-vessels at sea by French cruisers, without the shadow of right or real necessity. We beg leave to call the attention of our readers to this topic for a moment, and for our opinions shall claim the support both of Mr. Madison and of general Armstrong, whose sentiments have been strongly *expressed* on this subject. Various instances of the kind have occurred, and are specified by our minister in his official letters. Mr. Madison, in a communication made to the latter on this point, holds the following language: "The burning of neutral vessels detained on the high seas is the most *distressing* of all the modes by which the belligerents exert force contrary to right; and in proportion as it is destitute of apology, ought at least to be the promptitude and amplitude of the redress. If it be contended that the destruction in these cases proceeded solely from the danger, that otherwise intelligence might reach a pursuing or a hovering force, it may be answered, that if such a plea were of greater avail, it would only disprove an hostility of intention, without diminishing the obligation to indemnify on the most liberal scale, the injured individuals. It may be added, that if the outrage on the individuals was not meant as a hostility towards their nation, the latter might justly expect a tender of such explanations as would leave no doubt on this subject." General Armstrong is then instructed to make forcible representations, in order, as Mr. Madison expresses himself, "to *awaken* the French government to a sense of the injury, and to the demands of justice." The French government did continue to *sleep*, however, notwithstanding a note of expostulation from our minister; and our own administration also have been, since, content to slumber over the affair, although this, "*the most distressing of all the modes by which the belligerents exert force contrary to right,*" remains without redress either for the individual sufferers or for this nation.

General Armstrong, in a note addressed to the French minister of foreign affairs, states, "that the property saved from four American ships burnt by rear-admiral Boudin was placed under the jurisdiction of the imperial council of prizes, to be judged of as a case of ordinary cap-



"ture\*." We beg our readers to remark the nature of this proceeding. The vessels were first destroyed at sea, and that part of the cargoes which the rapacity of the French officers tempted them to snatch from the waves and the conflagration, was then consigned over by the minister of the French marine to the council of prizes to be there *adjudged as good prize to the incendiaries*. It must be superfluous to remark, that if the French government had condescended to justify this act of extreme violence by the plea of that necessity to which Mr. Madison alludes in the paragraph quoted in the last page, it must have not only surrendered without hesitation to the sufferers, the property saved, but made them ample compensation for the loss which they had sustained. The cause of justice required this retribution, and the dignity of the United States demanded still more. The United States, as Mr. Madison himself remarks, had a right to expect full proof, or at least a very respectful explanation, of the urgency of the motives by which the French cruisers were *reluctantly driven* to so mischievous an exertion of superior force; for it is in this view of the case only that the act could be at all defensible†. But this "just expectation" was disappointed, and with an aggravation of injury of the most mortifying as well as unexampled kind.

The question was placed by the French government on a ground which they who are "to vindicate the liberty of the seas" should have been the last to adopt, and which must to every mind appear strangely incongruous in the mouth of the professed champion of neutral rights. The burning of a neutral ship at sea was, by the clamorous apostle of neutral privileges, classed under the head of maritime capture in that regenerated and tolerant code, in the propagation of which we are so strenuously invited to co-operate. It was at once made a question for the determination of his court of admiralty, *whether the commander of a French cruiser could not lawfully burn on the high seas a neutral vessel which he supposed to be engaged in an illegal voyage; and whether he was not entitled to hold as good prize the property saved from the wreck?*

\* Note of July 10th, 1808.

† It is obvious, however, that the mere apprehension that the neutral might give intelligence to the foe of the route of a French squadron would not constitute a full justification for the destruction of the merchant-vessel. If this plea were deemed available in all instances, what would be the situation of our merchants, hundreds of whose ships might be encountered on the ocean by a single squadron of his imperial majesty?

It was not merely in the case of the vessels mentioned by general Armstrong that this doctrine was maintained, but in several other instances. There is no exaggeration in any part of the above statement. We have now in our hands a very able memoir, or *plaidoyer*, on this point, presented to the council of prizes at the instigation of the American prize agent in Paris, and drawn up by the late *chargé des affaires* of France to this country, who was then an advocate or solicitor in that court. The case which he discusses is that of an American schooner, the Jefferson, burnt at sea in 1809 by a French squadron under the command of vice-admiral Troude. The matter was referred by the minister of the marine to the council of prizes; and the justification offered by the vice-admiral was simply this—"that the vessel had an unlawful destination, and carried false papers." This allegation as to the fact is satisfactorily refuted by the solicitor, but the legal argument is what should claim our attention particularly.

The counsel resolves his argument into two points, the first of which is as follows: "Can the armed vessels of his imperial majesty lawfully burn neutral vessels on the high seas, and does this act constitute a regular capture?" This is a very curious subject, indeed, for grave discussion and deliberation in the courts of a power which so ostentatiously proclaims the liberality and philanthropic fastidiousness of its maritime code; and which now affects to be struggling for the emancipation of the seas from the arbitrary dominion of the British. We should like to know what language sir William Scot would hold to an advocate of Doctors' Commons, who might propound to him for formal adjudication a question of a similar tenour; or whether the archives of his court, so often stigmatized as the mere organ of British despotism, afford an example of solemn argument on such a point in relation to British cruisers\*?

\* In the course of his argument, the late French *chargé des affaires* mentions a circumstance of considerable interest to this country, and which has never been publicly announced to us. Speaking with reference to some papers found on board the Jefferson, and signed by one of the Spanish consuls in this country, he says, "We know that his majesty the king of Spain (Joseph) nominated about a year ago a new minister to the United States of America,—Mr San Yvanes,—that place being vacant by the recall made under Charles IV. of the marquis d'Yrujo. But the new minister still remains in Paris in the capacity of secretary to the Spanish embassy, and has not yet gone to his post. It is probable that he was to take out the new seals with him."

Doubtless this new minister still retains his credentials in his pocket. He waits only for the period when a pretext for his reception may be afforded to our cabinet by the spectacle of a nation breathing forth the last sigh of

It may not be deemed impertinent if we here recall to our readers some of the maxims enjoined by the conventional law of nations, and adopted by "the tyrants of the seas"—with respect to the forms of capture, and to the duty of cruisers in the exercise of this belligerent right. The American public will be then better enabled to judge how far their neutral privileges have been infringed, and their national dignity has been outraged, by the summary process of conflagration, to which the cruisers of his imperial majesty have thought proper to subject their vessels on the high seas. We cannot advance on this subject doctrines sounder or any language stronger than those of the French advocate whose memoir we have cited. He is now, we trust, before a tribunal with whom his reasonings may be more successful than they were with the French council of prizes.

"To obviate the inconveniences incident to the right of search," says this distinguished civilian,—“very positive rules of conduct have been prescribed in the various treaties of commerce, to the officers whose province it is to exercise this belligerent privilege. By the conventional law of nations also, certain duties are imposed upon the neutral, in order that if, on the one hand, the discretionary powers of the naval officer are circumscribed within the narrowest bounds, he may encounter, on the other, no unnecessary impediments to the discharge of his duty. It is enjoined upon the neutral to give him every facility for this purpose.—A refusal to obey his summons;—the concealment or destruction of the most inconsiderable document;—a sensible deviation from the route prescribed by the destination indicated on the face of the papers;—are sufficient causes either of suspicion or of condemnation. If the cruiser have serious doubts concerning the truth of the statements made to him, or the genuineness of the papers produced, he may take the neutral ship, and send her to one of the ports of his government, *there to be tried by regular and competent tribunals.*

freedom, and sinking indignantly under the reiterated and merciless blows of a tyrant whose power is only equalled by his ferocity, and who will exercise upon his fallen antagonist a severity of vengeance only to be surpassed by the vindictive malevolence of his spirit and the base treachery of his first aggression.—Should the Spaniards soon fall, their struggle, which has been in many respects so ruinous to the conqueror, will be a sufficient proof to other nations, that, with a suitable spirit and timely exertions, the cause of freedom is not yet desperate.

Non tamen ignavæ, post hæc exempla virorum,  
Percipient gentes, quam sit non ardua virtus  
Servitium fugisse manu.

LUC. LIB. 4.



“ But the obligation which rests upon the neutral of submitting to these proceedings, is compensated by correlative duties on the part of the belligerent. The acquiescence of neutrals in the just prerogatives of the latter should not be to them a source of ruinous or capricious molestation:—otherwise their lot would be worse than that of an enemy, who may seek safety either in flight or in resistance, both of which are interdicted to the neutral.

“ If states in amity with the belligerent powers consent to subject the property of their citizens, in the first place to the discretion of the naval officers of those powers, and then to the decisions of their tribunals, it is undoubtedly under the condition and in the hope, that the discretion of the officer will be regulated by reason and restricted by law, and that the abuse of his authority will be punished with the utmost rigour; and moreover, that the determinations of the belligerent tribunals will be scrupulously consistent with the principles of public law, and be pronounced by upright judges above all suspicion of partiality or corruption.

“ This return which the neutral has a right to expect from the belligerent is guaranteed and prescribed by the majority of treaties, and sanctioned by all the maritime codes ever promulgated. There are no points upon which the principles of public law and the compacts of states are more uniform and precise than upon the questions connected with the conduct of cruisers, and with the modes of proving and punishing the abuse of their privileges.—So minute and strict are they on this subject, that vessels exercising the right of search are enjoined to keep beyond cannon-shot;—that two or three men only can be sent on board the neutral;—that the captain cannot be compelled to leave the deck during the time of the search;—that the neutral should be released without delay in case no cause of suspicion be found to exist—and should there be,—the papers of the captured vessels cannot be taken away, unless a regular receipt be given for them. It is particularly provided that the captors should conduct their prize to one of the ports of their sovereign—*there to be judged*; and they are expressly forbidden to dispose of the prize in any way, or even to open the hatchways, during the voyage or before condemnation. They are not entitled to remove the captain from his ship, of which he still remains in some sort the guardian:—and many states go so far as to prohibit even the ransoming of neutral vessels: in France the power of ransoming an enemy's ship is expressly refused. Every precaution, as we



“ may observe, is thus taken to prevent abuses, and to secure  
 “ to the neutral the speedy restoration of his property, if the  
 “ suspicions of the captors be not confirmed by the judgment  
 “ of the prize-court. The motives which influence the latter  
 “ in its decisions should be specified, in order that the pro-  
 “ priety of them may be known to the neutral governments  
 “ whose interests they affect. *Nothing, therefore, but a case of*  
 “ *imperious necessity could authorize the burning of a neutral*  
 “ *ship on the high seas. It is an act of mere force, which may*  
 “ *be said to cancel the treaties which connect the French empire*  
 “ *with the United States of America. It is an act, therefore,*  
 “ *which should attract the severest animadversion from the*  
 “ *French government, and which all the competent authorities*  
 “ *should emulously disclaim.*”

We have not the space nor can we find the language to comment as we could wish upon the *Rambouillet* decree,—the climax of the wrongs, and the profoundest depth of the humiliation of this country. In seizing and confiscating the whole of the American property within his reach, the emperor of France gave a proof of his hostility about which it was impossible even for his most ardent partisans to equivocate. By an act tantamount in every respect to a declaration of war, and accompanied by the most destructive violence of which that state, if it had formally existed between us, could have been susceptible, he left our administration no subterfuge;—he probed them, and cut with the incision-knife to the innermost part:—he gave them no alternative but utter disgrace or unhesitating resistance. They felt the wound: they saw the havoc made of the property of our merchants, and of the national honour:—but the lethargy which their fears had prompted them to feign, was not discarded. They made no manly, warm, indignant appeal to this nation, which would then have mounted to any elevation to which a magnanimous executive might have led the way. The popular feeling would have borne them out in any manful decision, if they had themselves displayed a suitable force and dignity of character.

This nation stands acquitted, in some degree; because in every country, and eminently in this, government must furnish both the impulse of sentiment and the calculation of interest;—or, at least, must exert a direct influence to give efficacy and aim to these principles of action. With heartless, narrow-minded rulers, no people, however well constituted or disposed,—if the nature of their institutions and the peculiar circumstances of their condition lead them to look both for information and feeling to those rulers,—can be expected to act greatly, or to

travel steadily in the paths of high honour and true wisdom. A nation will naturally tread in the footsteps of those whom she has constituted her guides and directors, and is prompted by various motives to make their opinions the measure of her own. Such must eminently be the case in our own country, where the heats of party-contention produce in the majority a more than common degree of deference and attachment towards the men whom they invest with power. Mr. Burke, in speaking of England, says, "that all warm, durable, magnanimous passions,—all steady resolution of spirit, must come from those who are at the helm."—"As well," adds he, "may we fancy that of itself the sea will swell, and that without winds the billows will insult the adverse shore, as that the gross mass of the people will be moved, and elevated, and continue by a steady and permanent direction to bear upon one point, without the influence of superior authority or superior mind." Hence the incalculable importance, in elective governments particularly, of a judicious choice of public functionaries, who may, if they happen to be men of narrow views and sordid spirit, counteract and paralyze the most noble propensities and the most ductile temper that were ever given to a nation.

In all that we say on the subject of our relations with France we must be understood as pointing our censure to the administration, and not to the people of this country. The latter we do not indeed altogether exculpate from supineness with regard to the outrages of that power, nor from a strange insensibility to the weakness and folly of their public councils. But we believe them to be as capable as any other on earth of running the full lengths of honour, and of surveying the whole broad horizon of elevated state policy, if they were properly enlightened, and directed, and stimulated. They have surrendered their confidence and delegated their power to unsuitable agents. The profound writer whom we have quoted above, remarks, in relation to his own country, "that even there the little had triumphed over the great;"—a victory which he describes as neither unnatural nor unusual. It is not to be wondered at then, if the same victory should be obtained here.

There is, we think, but one tenour of exertion by which the natural but deplorable consequences of this state of things may be averted. A direct, frank, unequivocal appeal must be made to the good sense and to the higher feelings of this nation. The full deformity of our situation should be unhesitatingly exposed. There is "no piety in the fraud" which would con-

veal from the public eye "the lazar sores" which now fester on the body politic, and which are open to the perception of the rest of the world. The distemper is of too mortal a cast and too deeply radicated, to yield to the remedies prepared in the dispensary of those politicians who would attempt to cure the ills of the state by the very arts which produced, and which would now inevitably aggravate them. The people of this country must be made to taste all the bitterness of the shame which has been brought upon them by their favourites,—the popular opinion must be enlightened to the whole extent, and the true nature, of the dangers with which we are threatened:—otherwise their delusion will continue until all admonition may be fruitless and all repentance unavailing. It is under these impressions that we write, and we should consider ourselves as cheats and empirics, and not the lovers and physicians of the state, if we concealed any part of the sentiments which we honestly entertain, and shall always plainly express concerning the public weal.

With regard to the Rambouillet decree and the endurance of our administration, it is impossible to affect any disguise. The world is too well apprised of the history of this transaction, and will put the true construction upon the conduct of our executive, whatever reserve we may choose to affect. The emperor of France under a mere pretext, amounting however to no more than this—that we had exercised a privilege of territorial sovereignty—issued a decree bearing date the 13th March 1810, of which the following is the chief article: "All vessels sailing under the flag of the United States, or owned entirely or in part by any American citizen, which, *since the 20th May 1809*, have entered, or which shall hereafter enter, any of the ports of our empire, of our colonies, or of the countries occupied by our armies, shall be seized, and the proceeds of them, when sold, deposited in the *caisse d'amortissement*, or sinking fund." This *ex post facto* law of confiscation was carried into effect as promptly as possible, and is now in a course of execution. If this decree were submitted to a jurist of the old school, he would not, we think, hesitate to call it an absolute declaration of war. If a statesman of the same school were informed that a government styling itself independent had tamely endured an act of such heinous injustice and treachery as this visitation upon the property of our merchants, he would suppose either that national honour was now wholly exploded, or that a strange revolution had occurred in the meaning of terms. What would be his surprise, moreover, if he were again told that the



same government, still advancing pretensions to dignity and independence, had, within a few months after, consented to open a mangled, oppressed, harassed, precarious trade with the power from whom it had sustained this outrage, without previously obtaining reparation for the insult, or full restitution of the property confiscated! He would then, we think, begin to imagine that a singular change had been wrought, not only in our ideas of national dignity and equality, but in our notions of common prudence and decorum. He would find something extraordinary and not at all edifying, in the spectacle of one nation brooking from another all the depredations of war, and yet leaving her assailant to enjoy all the advantages of a state of peace. It cannot be denied that this is exactly the situation into which we have been thrown by our administration with regard to France, and it requires no great share of sagacity to discern that it is precisely the attitude **MOST ELIGIBLE AND DESIRABLE FOR THAT POWER.**

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AFTER this investigation of the *acts* of Bonaparte towards this country, let us now examine what has been the tenour of his language. His feelings and intentions are to be collected as well from the tone of his official notes as from the exertions of his power. If a succession of wanton robberies and deeds of unparalleled injustice and violence be accompanied by a correspondent series of unwarrantable pretensions and contumelious expressions, there is wanting no external indication at least, of the most inveterate contempt and hostility.

In the former intercourse between governments, decorum of language was held to be as necessary to a state of amity as an abstinence from violence in action. Insolent or taunting reflections,—menaces or reproaches,—arrogant counsels from one to another,—dictation of any kind in questions, the determination of which is among the attributes of independence, were universally received as demonstrations of hostility, and acknowledged as good grounds of war. They were in fact almost as frequently the causes of the wars of Europe, as actual usurpations by arms. The honour, and, consequently, the best interests of every nation, were supposed to be vitally concerned in resistance by force to insults of language; and that government was held to sacrifice its dignity and independence, which suffered them to pass with impunity or without retraction. This code was found to be as useful and as necessary to nations, as it is to individuals in the common inter-

course of society, in order to preserve a chaste self-estimation, and to keep alive feelings of mutual respect and good-will. We are sorry to be compelled to say, that our rulers seem to have forgotten all the lessons of experience on this head, and have suffered themselves to be vilified with a tameness no less abhorrent from the usages of former times, than opposed to true dignity and sound policy. The specimens which we shall now adduce of the tone and language of the French government towards this country, will serve to establish this position, while they afford unerring indications of the hostile feelings of Bonaparte.

If our limits would permit, we would recall circumstantially to the recollection of our readers the correspondence between the American and French governments on the subject of the trade to St. Domingo. The haughty dictatorial style of the notes of general Turreau;—the dogmatical assertion of principles of national law, to which an unqualified assent was imperiously demanded, although they were far from being clear or unquestionable;—the peremptory, *tranchant* language of Talleyrand's notes to general Armstrong, wherein he declares "that the trade *should* last no longer \*," were but an accumulation of insults which a magnanimous cabinet would have repelled with indignation. The scope, however, of this article will permit us to do no more than merely refer the reader to this extraordinary negotiation, in confirmation of our remarks. We shall proceed to examine a correspondence of a more recent date, which must be fresh in the recollection of the American public.

One of the first and most remarkable in the series of the opprobrious addresses of the French ruler to this country, was the letter of Champagny, dated January 15th, 1808, to general Armstrong, in answer to various remonstrances which the latter had made concerning the Berlin and Milan decrees. Those remonstrances, although strong and in general firm, suitably to the character of the writer's mind, were, however, tinctured with the spirit of his employers here, and were, therefore, not merely respectful, but almost supplicatory. The return made to them was in no flattering style.—The letter of Champagny, after declaiming, as usual, against England, and arrogating to France the right of overleaping all limits of law and justice in imitation of the supposed example of her enemy, proceeds to enumerate the wrongs which England has done

\* "Cela ne peut pas durer davantage."

us,—to dictate the measures which we were to pursue,—and to personate, as it were, the government of the United States. The following is a part of the text :

“ In the situation in which England has placed the continent, especially since her decrees of the 11th of November, his majesty has no doubt of a declaration of war against her by the United States. Whatever transient sacrifices war may occasion, they will not believe it consistent, either with their interest or dignity, to acknowledge the monstrous principles and the anarchy which that government wishes to establish on the seas. If it be useful and honourable for all nations to cause the *true* maritime law of nations to be re-established, and to avenge the insults committed by England against every flag, it is indispensable for the United States, who, from the extent of their commerce, have oftener to complain of those violations. *War exists then in fact, between England and the United States; and his majesty considers it as declared from the day on which England published her decrees.* In that persuasion, his majesty, ready to consider the United States as associated with the cause of all the powers who have to defend themselves against England, has not taken any definitive measures towards the American vessels which may have been brought into our ports. He has decreed that they should remain sequestered until a decision may be had thereon, *according to the dispositions which shall have been expressed by the government of the United States.*”

The United States are thus told, that unless they consented to act as his imperial majesty thought fit, they sacrificed their interests and honour;—and that our merchants were to lose their property fraudulently plundered, unless the country submitted to declare itself to be in that position in which he thought proper to consider and pronounce it. We are forcibly, as it were, dragged into his offensive alliance against England, and have no alternative left us but to acquiesce in his mandate, or to be wantonly robbed.—In the records of presumptuous pride and overweening licentious power, we know of no interference in language more insulting and humiliating than this. In the series of the arrogant declarations of the Roman senate, or of the revolutionary governments of France, addressed to nations into whose territories their armies had already penetrated, there is none more arrogant or authoritative; and we know not in the whole course of history, an instance of a power, receiving a message of this tenour or tone, which did



not prepare either for an unconditional surrender or an active war\*.

It was impossible for any government styling itself independent, or wishing to preserve the semblance of independence, to suffer this letter of Champagny to pass unnoticed. Even Mr. Jefferson, therefore, spiritless and ductile as he was in all his relations with France, found himself compelled to instruct his minister at Paris to make some complaints on the subject, or rather merely to express the sense,—the transitory sense,—of the government with regard to its contents.—It may be well to quote the language of the secretary of state to general Armstrong:

“The letter of the 15th January from Mr. Champagny to you, has, as you will see by the papers herewith sent, produced all the sensations here which the spirit and style of it were calculated to excite in minds alive to the interests and honour of the nation. To present to the United States the alternative of bending to the views of France against her enemy, or of incurring a confiscation of all the property of their citizens carried into the French prize-courts, implied that they were susceptible of impressions by which no honourable and independent nation can be guided; and to prejudice and pronounce for them the effect which the conduct of another nation ought to have on their councils and course of proceeding, had the air at least of an assumed authority, not less irritating to the public feelings. In these lights, the president makes it your duty to present to the French government the contents of Mr. Champagny’s letter, *taking care, as your discretion will doubtless suggest, that whilst you make that government sensible of the offensive tone employed, you leave the way open for friendly and respectful explanations, if there be a disposition to offer them; and for a decision here on any reply which may be of a different character*†.”

\* “The Lacedemonians,” says Pericles, in a speech delivered to the Athenians, “have signified their wishes to us imperiously, and leave us no choice between war or submission: they announce to us, that peace with them must depend upon our decrees with regard to Megara. Yet many of you cry out, that this is not a sufficient ground for war. Athenians, such propositions as these of the Lacedemonians, are but a snare laid to entrap you: you should indignantly reject them, until we are suffered to treat upon a footing of perfect equality. This concern, trifling as it may appear, includes within it, the full proof and demonstration of our spirit. A nation which pretends to dictate laws to another, *offers chains*. If you yield upon this point, your compliance will be construed into fear, and more humiliating conditions will be imposed upon you.” Such were the maxims of a republic of antiquity. See the whole speech in Thucydides, lib. i.

† Who would have expected to see subjoined to the first phrases of this

Let us now examine how general Armstrong executed his commission.—His note to Champagny on the subject does not certainly convey all the soft dallying accents,—all the gentle, pathetic reproaches, and the suppliant hints which Mr. Jefferson could have wished ; but it cautiously abstains from any expression of strong indignation, or any vigorous pledge of the spirit which his government would display, in case of the repetition of a language which he is compelled to describe as “derogatory from the rights, and dishonourable to the character of the United States.”

“The undersigned must remark, with regard to the official note addressed to him on the fifteenth of January last by his majesty’s minister of exterior relations, 1st, That the United States have a right to elect their own policy with regard to England, as they have with regard to France ; and that it is only while they continue to exercise this right, without suffering any degree of restraint from either power, that they can maintain the independent relation in which they stand to both : whence it follows, that to have pronounced, in the peremptory tone of the preceding note, the effects which the measures of the British government ought to have produced on their councils and conduct, was a language less adapted to accomplish its own object, than to offend against the respect due from one independent nation to another : and,

letter the instructions which we have marked in italics ? They amount to this ; that general Armstrong was to beware how he dealt with edge-tools ;—that he was not to appear seriously angry, but merely pout, and then smile and cheer up ;—that our rulers could not pledge themselves to resist strenuously any language, however outrageous or opprobrious ; and that their minister was to be cautious how he involved them in any bold or manly declarations.

“*Dic neutrum, dic male, dic aliquando*

“*Et bene.*”

Let us place by the side of this inculcation the language of Mr. Burke, a statesman whose doctrines on this subject our administration must be willing to respect, after having enjoyed so many practical lessons of their truth :

“It is established by experience, that contempt of the suppliant is not the best forwarder of a suit,—that national disgrace is not the high road to security, much less to power and greatness. Patience indeed strongly indicates the love of peace, but mere love does not always lead to enjoyment. It is the power of winning the palm which ensures the wearing of it. Virtues have their place, and out of their place they hardly deserve the name. They pass into the neighbouring vices. The whining tones of common-place beggarly rhetoric produce nothing but indignation. They indicate the desire of keeping up a dishonourable existence at any sacrifice ; they aim at obtaining the dues of labour without industry ; and by frauds would draw from the compassion of others what men ought to owe to their own spirit and to their own exertions.” *Regicide Peace.*

“2dly, That the alternative to be found in the last paragraph, and which leaves the United States to choose between an acquiescence in the views of France against Great Britain, and a confiscation of all American property sequestered by order of his imperial majesty, is equally offensive to both governments: to France, as it would impute to her a proposition founded on wrong to individuals; and to the United States, as it would imply, on their part, a subjection to pecuniary interests totally inconsistent with their principles, and highly dishonourable to their character.”

If, in the intercourse of two independent nations, anterior to the French revolution, one of them had held towards the other a language such as that here ascribed to the French government by general Armstrong;—a language which implied that the party addressed was susceptible of impressions by which no independent and honourable nation could be guided, and which prejudged and pronounced for that party the effect which the conduct of another nation ought to have on its councils and course of proceeding;—which accused it of a subserviency to its pecuniary interests at the expense of its honour,—a recantation in some way or other would have been deemed an essential preliminary to negotiation of any sort; and, perhaps, the only condition upon which peace could be maintained. An high-minded cabinet, alive to the dignity of the nation, would be no more satisfied with a mere fruitless expostulation in such a case, than would an individual of spirit and honour in society, to whom another had applied the epithets of scoundrel and poltroon.

The question of expediency in both instances is exactly the same. What is the particular interest of the individual in the one case is the general good of society in the other. Human passions work precisely in the same way. Submission to affronts dastardizes more and more the spirit of the sufferer, and emboldens and sharpens the unpunished insolence of aggression. To overlook an insult is to provoke an injury. The transition is natural and inevitable from unresisted indignities of language, to acts of brutal violence. If the history of mankind clearly establishes any one point, it is this,—that honour is to a nation what the locks of Samson were to him;—and the experience of the last eighteen years proves incontrovertibly, that whatever power yields to the blandishments, or reclines on the lap of French sorcery, whether crowned with the *bonnet-rouge*, or disguised in the imperial mantle, will encounter the fate of the credulous Israelite. Nations are strong in proportion to their daring:—*possunt quia posse videntur*.—



There is no mode in which left-handed wisdom or spurious prudence can be exercised so unprosperously and fatally as by the sacrifice of glory and dignity to any temporary or pecuniary interest. Such a sacrifice, however, will become habitual with a nation which suffers its affairs to be long managed by men without real ability or virtuous ambition, or in which popular clamour, in lieu of some great, central, presiding power, is allowed to influence and control public measures\*.

What was then the issue of this representation concerning the light in which the president viewed the contents of this letter of Champagne, and the feelings which it was alleged to have aroused in the people? After an affront so serious as that which the language of Mr. Madison himself implied, it would seem naturally to follow, that the angry cloud would not have been soon dispelled from the brow either of this nation, or of its rulers; that even no further communication of a very cordial or amicable nature would have been suffered, until full expiation was made; or, at least, until the obnoxious phrases were so qualified and explained as to assuage the wounds of the national pride, and to calm the alleged effervescence of the national feelings.—The insulted majesty, the violated sovereignty of a great people, required the atonement of kind and respectful professions, before they could deign to resume the commerce of courteous diplomacy, or even before they *could*, in negotiation on other topics, reascend to the level of a fair and dignified equality.—So would have thought a speculative politician, reasoning on the nature of true dignity and public interest, and drawing lessons of practical wisdom and prudence from the experience of

\* "Woe to that country," says Mr. Burke, "which would madly and impiously reject the service of the virtues and talents, civil, military, or religious, that are given to grace and to serve it; and would condemn to obscurity every thing formed to diffuse lustre and glory around a state. Woe to that country too, that, passing into the opposite extreme, considers a low education, a mean contracted view of things, a sordid, mercenary occupation, as a preferable title to command. Every thing ought to be open; but not indifferently to every man." And again—"The people ought to be persuaded that they are not entitled, and far less qualified, with safety to themselves, to use any arbitrary power whatsoever; that therefore they are not under a false show of liberty, but in truth, by the exercise of an unnatural inverted domination, tyrannically to exact, from those who officiate in the state, not an entire devotion to their interest, which is their right, but an abject submission to their occasional will; extinguishing, thereby, in all those who serve them, all moral principle, all sense of dignity, all use of judgment, and all consistency of character; whilst, by the very same process, they give themselves up a proper, a suitable, but a most contemptible prey to the servile ambition of popular sycophants and flatterers."

mankind, and the authority of all the statesmen, historians, and jurists who have discussed and decided such questions. Not so, however, our political *Palinurus* and his coadjutors. They appear to have abjured all the "heresies and errors" of experience and observation," and to have formed a code of honour and of wisdom altogether peculiar to themselves, and unknown to the rulers of other nations. After transmitting their few phrases of mendicant remonstrance, they continued their relations of deprecation and entreaty, as if they themselves and the nation had been uniformly treated with all the solemnity of oriental complaisance. They received no apology.—They exacted none; and the consequences were such as might have been expected, and as yield an additional confirmation of the maxims which we have advanced above.

"The Gaul that throws his sword in the scale," did not, like his prototypes of old, in their deportment towards the patrician senate of Rome\*, first gaze on and bend with reverence to our immovable rulers, and then pluck their beards; but he first reviled, and then trampled them under foot. Fortunate would it have been if they had then imitated the resolution of the fathers of Rome, or if they would now take as their manual the history of that extraordinary power which furnishes eminently to us in our present situation, so many salutary and apposite lessons with regard both to our foreign and domestic policy;—so many illustrious examples of true state-wisdom and enlightened patriotism, and, above all, so many awful admonitions concerning the nature and effects of that most portentous of all combinations,—an irresistible military force directed by a spirit of insatiable ambition, and steadily applied to the attainment of universal empire.

So far from being prompted by the representations of general Armstrong to make reparation for the offence of which our administration complained, the French ruler pursued the course most congenial to his character, and to which he was naturally invited by the pusillanimity of our government. The same offensive insinuations were repeated in the notes, which by way of reprimand, and instruction, and exhortation, the imperial minister subsequently addressed to general Armstrong;—and not long after, a most signal illustration of the legitimate influence of the truly *neutral* forbearance of our cabinet was afforded in the absolute confiscation, upon which we have already dwelt, of all American property within the grasp of our *soi-disant* protector. We were here at war indeed,

\* Plutarch's Life of Camillus.

according to the signification formerly affixed to the term, and nothing was wanting to give it all the new and savage features with which Bonaparte has invested that state of things, but the imprisonment of all the American citizens within his dominions, as in the case of the British,—or the *repartition* of them, as slaves among the peasantry of France, as in the case of the Austrian and Spanish prisoners who had fallen into his hands by the chance of battle\*.

While he chastised us on the one hand, he read us a lecture on the other,—a sort of homily from pride and power to obsequiousness and fear,—which should be ingrossed for the instruction of our temporizing politicians, and hung on the wall of every public edifice in this country. We allude to the memorable letter of the duke of Cadore on the subject of the confiscation of American property. Instead of being mollified by the soothing aspect and language of our administration, and commiserating the perplexities into which they were thrown by the desire of keeping terms with himself, he treated them with that kind of poetical justice which he displayed towards Prussia and every other continental state that connived at his usurpations, and crouched under his frowns. He upbraids them and this nation, in terms of the most overwhelming opprobrium and the most biting sarcasm, for the very policy which we had pursued only in our relations with

\* It is remarked in the letter of Champagny, of August 22d, 1809, addressed to general Armstrong, "that if the English had had on land that superiority which they have obtained at sea, we should have seen, as in the times of barbarism, the vanquished sold as slaves, and their lands parcelled out." Whoever reads this passage would do well to examine the French gazettes of about the same date, and those of the last six months, and he will find various "bulletins" from the prefects and municipal authorities of the French empire, inviting the peasantry and farmers to call for any number of the Austrian and Spanish prisoners that they might deem useful for their domestic and agricultural labours. This is, in fact, making slaves of the prisoners; at least as long as they remain unexchanged, which will probably be the case with the Spaniards for some time. It is observed by Grotius, lib. 3, cap. 7, that this usage which the French have now renewed, was universally abolished among *Christian* nations. Bynkershoek repeats the same idea in his first chapter on the law of war (see the excellent translation of that work by Mr. Du Ponceau of this city); and Vattel remarks that "this opprobrium of humanity, the enslaving of prisoners, was happily banished from Europe."

"We admire," says this writer, "we love the English and French for the manner in which these generous nations treat their prisoners of war." If he were now living, what would he say to the treatment of the Spanish and Austrian prisoners, and to the detention of the English found in France at the breaking out of the war; or to which nation, in reviewing the transactions of the last eighteen years, would he affix the stigma of having substituted the usages of barbarism for those rules of eternal justice and of refined humanity which he has so admirably expounded?



France—for an abject, cringing, improvident, fruitless forbearance under the grossest insults and injuries. He applies to this nation, and to those who administer her affairs, epithets of disgrace and contumely, such as no independent people or spirited government ever before received, and such as no government, perhaps, had ever before so well merited.

The whole of this letter is but a compound of impudent falsehoods and degrading invective,—a bitter mockery in its professions of friendship, and an atrocious lampoon in its insinuations and taunts. The declaration with which it commences, that “the imperial decrees would be conformable to the eternal principles of justice, even if they were not the necessary consequence of British provocations,” is insulting and impudent in the highest degree.—The lesson which it inculcates that “those who refuse to fight for honour may be at length compelled to fight for interest,” is, in the application, no less insulting. The grounds upon which the confiscation of our property is vindicated, are frivolous and false. The following passages which cannot be too often quoted, speak too strongly for themselves to need a comment. “Men without policy, without honour and without energy, may well allege, that they will submit to pay the tribute imposed by England because it is light; but will not the English feel that they would rather have the principle admitted, than increase the tariff? because if this tribute, though light, should become insupportable, those who had refused to fight for honour must then fight for interest.” What when compared to this were the letters of Philip to the Athenians, ---or the sarcasms of Mr. Canning, about which we raised so great a clamour? And what should be the feelings of every good citizen of this country, when he reads at the conclusion of the note from which we have taken these extracts that it was written “in order that the president of the United States might better know the amicable intentions of France, and her favourable disposition towards American commerce.”

In one paragraph, a hollow panegyric is pronounced upon those who accomplished our revolution; only for the purpose of instituting an invidious comparison between their magnanimity and our degenerate spirit.---Nothing but his eagerness to degrade and vilify this generation of American politicians, could have extorted from the mouth of Bonaparte a commendation upon the assertors of freedom of any age or country. But whatever may have been his motive for the eulogium, there is but too much colour for the reproach. We must

be indeed strangely altered since our revolution, or we never could have provoked from any power, however profligate or arrogant, such an address as this of Champagne.---A distant observer of these events would scarcely believe that we are the same race whom Mr. Burke describes in his speech on the conciliation of the colonies:---with whom, "the fierce spirit of liberty is stronger than among any other people on earth; whose institutions inspire them with lofty sentiments;---who do not judge of an ill principle only by an actual grievance, but who anticipate the evil and judge of the pressure of the grievance by the badness of the principle;---who snuff the approach of tyranny in every tainted breeze." It could scarcely be credited that we, who have patiently endured the lash of this address of the duke of Cadore, and the robberies of his master, possess the soul of those stubborn colonists, so jealous of their rights,---so full of spirit,---so full of resolution,---so much alive to the purity of their honour,---who, with means apparently so inadequate, persevered and triumphed in a struggle like that of our revolution\*?

\* We hold in the highest veneration the memory of those who swayed the councils and fought the battles of this country in the war of our independence. There was a loftiness of spirit about them as well as an energy of deliberation and of action, which never can be too much admired or too warmly applauded. Theirs were

"Virtues that shine the light of human kind,  
And, rayed through story, warm remotest time."

We never think of them without enthusiasm, and without being ready to apply to them the beautiful and animated verses of Churchill on the subject of the fathers of English liberty.

"Hail those old patriots on whose tongue  
Persuasion in the senate hung,  
Whilst they the sacred cause maintained:  
Hail those old chiefs to honour trained,  
Who spread when other methods failed,  
War's bloody banner and prevailed!"

And, without calling on the despot of France for a commemoration of their merits, we would proceed to exclaim with the same poet,

"Shall men like these unmentioned sleep  
Promiscuous with the common heap,  
And (gratitude forbid the crime)  
Be carried down the stream of time  
In crowds, unnoticed and forgot  
On Lethe's stream, like flags, to rot?  
No—they shall live, and each fair name  
Recorded in the book of fame,  
Founded on honour's basis, fast  
As the round earth, to ages last."

The construction which we put upon this letter of the duke of Cadore cannot be considered as the misrepresentation of party spirit, since it is sanctioned by the authority of the government and of general Armstrong. On its first appearance, our administration seem to have been utterly confounded at so ungrateful a return for all their "friendly dispositions," and affected to doubt of its authenticity. When it was officially announced to them, they either felt or found themselves compelled to feign the sharpest resentment. The National Intelligencer no longer hesitated about the manner in which it was to be described. It was then said, that "*the principles of this paper were such as we could never adopt without disgrace, and the terms of it an outrage on dignity and decorum; that the manner in which it was issued indicated the determination of the French government to adhere to its doctrines—that the sine qua non of France respecting our rights was a war with England,*" &c. Such were the sentiments of the government.

The understanding of general Armstrong on this subject precludes all argumentation with regard to its merits. His reply, written in a style and with a spirit which do him honour, is an irresistible proof of the accuracy of our opinions concerning the feelings by which the French ruler is animated in our regard. It is alone sufficient to shake the faith of the most credulous of the believers in French amity, and should be read whenever the late amatory epistle of Bonaparte is perused, as the key to its true meaning, and taken as a glossary,—as the rule of construction, for all the present or future proceedings of the imperial cabinet in our regard. General Armstrong understands that the people of this country are there said to be "destitute of policy,—of honour, and of energy;"—(a most overwhelming charge indeed, and a sentiment very auspicious to our future relations with France!) "that we are accused of an abject submission to one power, and are therefore fit subjects at any time for the lawless depredations of the other;—that although *one hundred of our vessels* seized by force and without intimation of their danger, were in the possession of France, still we were supposed to have no just ground of complaint. General Armstrong plainly insinuated that the emperor had asserted palpable falsehoods, and vamped up miserable pretexts in order to disguise his rapacity; and that his rules "*were found for the occasion, and made*" to justify seizures not otherwise justifiable," &c.

This letter of the duke of Cadore, in which, even according to the interpretation publicly given to it by our



cabinet and their minister at Paris, the character of this country is torn piecemeal, and our rights as well as our property for ever rendered insecure while within the reach of Bonaparte, would alone seem sufficient for the illustration of this part of our subject. But there is another document in corroboration of our opinions which we are unwilling to overlook, and of which the real importance calls for an examination much more ample than our limits will allow. We speak of a letter on American politics under the signature of Champagny addressed to an anonymous person, and published in the principal gazettes of Paris soon after the intelligence of Mr. Erskine's arrangement with our cabinet. It was first copied, during the last winter, into a New York newspaper, and was generally rejected as spurious; although a person well acquainted with the state of the press in France, and who had attended minutely to the circuitous modes and to the particular strain of thought and expression in which the French government unfolds its views and opinions, could discover, at one glance, features which render its real origin quite unquestionable.

Independently, however, of the authority of intrinsic evidence, we can undertake to assert from the most direct testimony that it was officially announced as genuine by general Armstrong, and supposed by him, (a supposition in which our government concurred) to have been intended to prepare the French public either for an open declaration of war against this country or for the measures of actual hostility which were afterwards adopted.

The war of words has usually been, with the French ruler, the prelude to war of another sort. Before he proceeds to actual violence, he rarely fails to employ either one or other of these two opposite expedients;—the decoy of friendly professions in order to lull those whose destruction he meditates into a fatal security, or defamatory libels fraught with false accusations and contemptuous threats with the view either of alarming them into submission, or of entrapping the credulity of his own subjects and of his admirers abroad. The *anodyne* preparations usually issue directly from the imperial laboratory of venomous drugs, in the form of official notes. The threats and imprecations of the arch sorcerer are most frequently,—although, as our own experience evinces, not uniformly—communicated by the channel of newspaper paragraphs, and in the form of speculations on the politics of his intended victims.

The immediate provocation to the manifesto now under consideration was the agreement made with Mr. Erskine; by

which he imagined a reconciliation between this country and Great Britain to be irrevocably fixed. The circumstance of the agreement is, indeed, mentioned in the postscript as a piece of intelligence received after the letter itself was written; but this little *ruse*, which lord Bacon in his essays inculcates as proper in all cases where we wish to conceal the degree of sensibility excited in the mind by a particular object, is too stale and flimsy to impose upon any understanding.

We shall dwell for a moment on this letter of Champagny because we hold it to be a most faithful exposition of the real sentiments of the imperial cabinet in our regard, and of the policy which we consider as fixed and unalterable with them, under whatever shape and in whatever language it may be couched. This letter contains a kind of digest of opinions concerning the political situation and views of the United States, which, although known to the French government to be utterly false, have nevertheless been frequently asserted, and will be often repeated for obvious purposes of hostility: such, for instance, as the idea that we only affect resentment against England in order to blind France;—that the raising of the embargo was a masterpiece of British skill;—that two thirds of American commerce are conducted upon British capital;—that we are in a secret commercial league with the British, and play into their hands, &c.

Besides this body of merely fictitious sentiments concerning our scheme of action, it contains a series of opinions with respect to our spirit and character which we, from our own personal opportunities of information, and all persons who have attended diligently to the course of Bonaparte's proceedings, and to his general policy, know to be seriously entertained. They are as follows;---that we have an insatiable thirst of gold; ---that we are, as he has so unequivocally told us elsewhere, "equally destitute of honour and energy,"---that, in the prosecution of our commercial schemes and for the advancement of our pecuniary interests, we are capable of the basest frauds and the meanest compliances;---that what we contrive to procure by "simulation," we dare not defend but by "prevarication and abject submission." It contains also many other doctrines which serve equally to elucidate the real views and dispositions of the writer:---such, for example, as the very correct notion which Talleyrand inculcates in his celebrated memoir on the Commercial Relations of the United States; that our habits, our sympathies, and our interests will lead us to prefer, at all times, British to French commodities and British to French trade.

The letter of Champagny asserts also that *we are tolerated by France as neutrals* and proceeds with the following remarkable propositions, of the truth of which the French ruler is fully persuaded:—“that all maritime commerce, “whether colonial or other, admitted or tolerated on the “continent, will always turn to the advantage of the British “and will furnish them with the means of resistance”—that the Americans, if licensed to trade, would become “the most “powerful auxiliaries of this dreaded commercial system; “and that the veil under which they affect to disguise their “active co-operation, only gives it new energy—that it is the “highest interests of France and her allies to defeat, *by all “possible means*, this odious connivance between the people “who call themselves the friends of France and her eternal “enemies.”—It is then significantly added “that it remains “to be known whether these happy combinations will not be “rendered useless by him who so well knows how to have his “orders executed: whether he will suffer all the countries “about France to be inundated with English goods, which “may be fraudulently introduced into his empire? Whether “the frontiers of Germany or Switzerland will not be as “rigorously shut as those of Holland:—whether any of his “allies will not join in the *total exclusion* of a flag which has “become too suspicious:—whether precautions will not be “doubled, and carried to the greatest pitch of severity:— “whether France must not learn definitively, to do without “some factitious enjoyments, and thereby prevent one or two “millions of men from perishing as victims to English monopoly and American cupidity?”

After this long and painful detail, let us pause for a moment to revolve some of the considerations to which it naturally gives rise. The first questions which occur to the mind are these; whether if our administration had, as became the honour of the nation and their own dignity, resented with suitable spirit the first indignities of which they complained, they might not have averted the accumulated disgrace and calamities which ensued;—whether, by waving an energetic demand for reparation and apology, and by continuing their negotiation of experiment and submission, they did not pursue that course which, while it degraded them and their country, tended rather to aggravate the insolence than to propitiate the favour of the individual with whom they had to deal? It is a settled maxim in the intercourse of nations as well as in that of common life, that to notice without resenting an insult is to



depart from the rules both of prudence and dignity. It is equally well-established by the experience of history and from the common operation of human passions, that a nation can never make a successful compromise with the pride, by submission to the insults, of a haughty conqueror.

The justice which great states seek to obtain, will never be given as alms, or as the price of obsequiousness ; but can only be procured by maintaining an erect port ;—by commanding consideration,---and enforcing respect. Our rulers should have known the character of Bonaparte better than to have sought security in humiliation ; or to have expected to ingratiate themselves with this proud but sagacious tyrant, by temporizing arts or the policy of deprecation. It was not by placing themselves in a state of inferiority that they could rationally hope to promote the success of any claim of right ; but this was the sure mode of sealing, as it were, to their lips, the cup of bitterness which he afterwards forced them to drink to the dregs. The scurrilities which he heaped upon them,---the losses which were entailed upon our merchants, and of which they may, in some degree, be considered as the cause, were but a just reward of a sacrifice of national dignity, for which there was no excuse, but in the suggestions of that kind of prudence to which Mr. Burke so properly affixes the epithets of false and reptile. They must have found but an indifferent solace, and a still more unsatisfactory justification, in the known character of their assailant. They could not, and did not affect to despise or smile at his first outrages--“ Con-tempt,” says Mr. Burke, “ is not a thing to be despised. It may be borne with a calm and equal mind ; but no man lifting his head high, can pretend that he does not perceive the scorns which are poured down on him from above.”

The foregoing investigation leads also to another reflection, in which we shall beg leave to indulge. By each of the belligerents, we are accused of partiality towards the other ; and this imputation, when it proceeds from the British, is indignantly rejected by one description of persons in this country.---To what conclusion then on this subject are we irresistibly conducted by this review of our relations with France, when we call to mind at the same time the tenor of our past intercourse with England ?

Let us suppose for a moment---what never can and what never could take place,--- that the latter, and not France, was the chief agent in this history of our degradation,---and had exhausted upon us, all the resources of violence, of contumely and of artifice.---Let us suppose that she had issued, in the

first instance, and without the provocation of the Berlin decree, her orders in council, and bottomed them upon the innumerable, systematic violations of neutral rights which the French were daily committing on the continent; or upon the much more solid foundation of state-necessity and the unexampled, peculiar nature of the war in which she is engaged; disguising, however, under these allegations, the real motive, ---a desire of provoking such measures of retaliation on the part of her enemy as would plunge us into hostilities with the latter: that she had refused---until she discovered that her aim was not likely to be accomplished,---to give a full and formal explanation of the latitude in which she meant to enforce a decree studiously ambiguous in its terms;---that in the interval, she had cajoled our minister in London with a partial interpretation of her meaning from the hand of the first lord of the admiralty, and then impudently annulled it as extra-official, and substituted another in its stead, which, while it set at defiance all principles of national justice and swept away an existing and solemn treaty, operated as an *ex post facto* law of confiscation upon American property of considerable value which was waisted to her ports upon the security of the first interpretation;---an interpretation which, as was universally known, could never have been written without the concurrence and express authority of the whole British cabinet.

Let us suppose that our merchants had, in the course of a trade which she had never before prohibited or declared unlawful, accumulated in her ports and in the ports of countries nominally independent of her, a large amount of property consisting in commodities the growth of the possessions of her enemies; and that she had, concurrently with the promulgation of her decrees, suddenly, treacherously and by the strong arm of military force, seized and confiscated all merchandise of this description "to whomsoever belonging" and wheresoever accessible to her power:---that she had uniformly turned a deaf ear to all our remonstrances on this subject, and had as yet made no reparation for this outrage;---that all hope of indemnification was ever abandoned by the sufferers.---Let us suppose that she had burnt numbers of our vessels at sea, and had not even condescended to offer an explanation, much less restitution, for so lawless an outrage; but had imprisoned for an indefinite period, and treated as malefactors and captives taken in war, not only the crews of the vessels thus destroyed but those of every American ship which, under the auspices of national law,---upon the pledged security of public

faith, and by actual invitation---had unsuspectingly been placed within the sphere of her power.

Let us suppose that, instead of offering a mere speculative proposition to enforce our non-intercourse laws by the capture of American vessels surprised in the violation of those laws, she had,---upon this very pretext of punishing the disobedience of our own citizens to their own government,---actually laid violent hands upon the American vessels in her harbours and forfeited them to her treasury, and had, when called upon for an explanation of her conduct, insultingly and sneeringly offered to our cabinet the same pretext as the motive and justification of her conduct\*.

Let us suppose that she had at length---by one sweeping decree of rapine---stripped us of every atom of our property which lay within her grasp;---confiscated it to the amount of many millions of dollars, as a droit of the admiralty;---put a considerable portion of this amount "beyond the reach of negotiation †," by public sales and a transfer of the proceeds to her treasury, and until this moment continued to execute vigorously and insolently, this act of confiscation---and that this, the most comprehensive scheme of robbery which it was in her power to practise upon us, was adopted and carried into effect, suddenly and without the allegation of any immediate provocation either real or imaginary; but upon pretences radically vicious in principle and notoriously false in point of fact;---upon the ground of acts which, after having been made the subject of eulogy, were then only for the first time converted into causes of complaint and motives to the severest vengeance:---upon the plea of injuries of which the existence did not appear to be suspected for many months;---an interval during which overtures of accommodation were made to this country, and a regular intercourse of diplomatic discussion maintained with its mi-

\* Extract of a letter from general Armstrong to the secretary of state, dated Paris, April 1808.

"Orders were given on the 17th instant, and received yesterday at the imperial customhouses, 'to seize all American vessels now in the ports of France or which 'may come into them hereafter.'"

"Postscript. April 25th, 1808.—I have this moment received the following explanation of the above-mentioned order, viz. that it directs the seizure of vessels coming into ports of France after its own date, because no vessel of the United States can now navigate the seas, without infracting a law of the said States, and thus furnishing a presumption that they do so on British account, or in British connexion."

† See general Armstrong's letter on the subject of the confiscations at Naples.



nister, by the very government which at length rose in its might to avenge these pretended wrongs.

Let us again suppose, that instead of addressing us uniformly in a language of that grave and respectful tone of solemn, elevated equality, which in the communion of two independent and friendly nations can never be abandoned without a derogation from the dignity of the one, and a violation of the rights of the other,---instead of distinguishing the representative of our government by the refined and politic courtesies which belong essentially to the constitution of every truly august and civilized court, and which, while they decorate the forms and ennoble the intercourse, serve to facilitate the true ends of diplomacy,---she had, in all her official notes and in her public declarations, employed towards us a language of arrogant superiority, of imperious dictation and of unwarrantable interference in the functions of our private sovereignty,--that she had treated our minister in London, as France treats all foreign ministers at Paris, like despicable, importunate duns sometimes scowled upon and ignominiously exiled from the audience-chamber of the imperial robber :--sometimes caressed and cajoled as the purposes of meditated fraud, or projects of violence, or rancorous enmity might make it convenient :---that, while she continued to pursue her system of depredation upon our property, and when she had despoiled us of the last shilling within her reach, she not only advanced, in her official justification, abstract doctrines fundamentally subversive of all real or seeming equality between us, and destructive to our rights and interests ; but had employed against us such topics of abuse as could, with any shadow of justice or decency, be applied only to a nation that had, by the most abject, truckling policy, notoriously forfeited all pretensions to independence and consideration.

Let us suppose that she had formally, and in terms, accused us of prostituting our honour to our pecuniary interests---of degenerating from the spirit and tarnishing the memory of those who shed their blood in our revolution ;---that she had compared our situation with that of Tuscany or of Holland when nominally independent, and had pronounced us to be still lower in the scale of humiliation ; still more subservient to the will of France, than either of those wretched and enasculated states ;---that she had reviled us in the face of the world as a body of juggling poltroons and fraudulent smugglers, intent alone upon the acquisition and indefatigable in the search of gain, but careless about the means by which it was

to be acquired;---that she had finally left us no choice between a most open, active, rancorous hostility on her part or a war with her enemy;---that she had made this the *sine qua non*, not of her cordial friendship, but even of the semblance of peace or amity between us---that she had declared it solemnly, and uniformly proved it to be her fixed unalterable policy to extinguish our trade as far as her power extended, unless we pursued the plan which she had chalked out for us, and consented to enter into a league for the destruction of the only free constitution now remaining in the other hemisphere.

If England, we ask, had done all this and more, what would have been the language of our government and the tone of the people? It is impossible to assert that there is any thing exaggerated in this representation, as it rests upon the express authority of our administration, and of general Armstrong\*, and is supported throughout by recent facts of unquestionable notoriety, and official documents of a tenour irresistibly clear and unequivocal. What banner would have been spread,---with what cry would we have been deafened, if all these accumulated insults and wrongs had proceeded from Great Britain? Can any candid man assert,---does any intelligent man believe---that the effect would have been the same? Judging merely from the haughty tone of resentment which

\* The public has not forgotten, we trust, the following memorable passage from one of general Armstrong's letters to the secretary of state.

"Nothing has occurred here since the date of my public dispatches (the 17th) to give our business an aspect more favourable than it then had; but on the other hand I have come to the knowledge of two facts, which I think sufficiently show the decided character of the emperor's policy with regard to us. These are, first,—that in a council of administration held a few days past, when it was proposed to modify the operation of the decrees of November 1806, and December 1807 (though the proposition was supported by the whole weight of the council) he became highly indignant, and declared that these decrees should suffer no change—and that the Americans should be compelled to take the positive character of either *allies* or *enemies*; 2d, that on the 27th of January last, twelve days after Mr. Champagny's written assurances, that these decrees should work no change in the property sequestered until our discussions with England were brought to a close, and seven days before he reported to me verbally these very assurances, the emperor had, by a special decision, confiscated two of our vessels and their cargoes (the *Junius Henry* and *Juniata*) for want merely of a document, not required by any law or usage of the commerce in which they had been engaged. This act was taken, as I am informed, on a general report of sequestered cases, amounting to one hundred and sixty, and which, at present prices, will yield upwards of one hundred millions of francs, a sum whose magnitude alone renders hopeless all attempts at saving it—Danes, Portuguese and Americans, will be the principal sufferers.—If I am right in supposing the emperor has definitively taken his ground, I cannot be wrong in concluding that you will immediately take yours."

our administration have uniformly employed towards England upon every real or imaginary aggression :—from the bitterness and steadiness of their complaints ;—from the quick, lively sensibility which has always been displayed to injuries coming from that quarter,—from the cry for war which was vociferated from one end of the United States to the other on the occasion of the attack of the Chesapeake, and in which all parties concurred ; we should not hesitate to conclude that, upon the foregoing hypothesis, notwithstanding prudential considerations of a nature infinitely more urgent and imperious than those which dissuade us from a contest with France, and before we had endured one half of this long category of wrongs, we should have let loose all the reins to our wrath, and that our administration would have sounded the charge and indignantly pointed the way to the most active and vindictive hostilities which it might have been in our power to wage.—In the case of France, however, the murmurs of the executive were scarcely heard until her last attacks, when the provocations were such as no human patience could silently endure, and no government, however pusillanimous, decently forbear to resent. Even then the accent was querulous : not spirited ;—not manly ; and, in fact, all the complaints which have been at any time uttered against France by our cabinet, have been as it were studiously coupled with and drowned in still louder intonations against the other belligerent.

It would not therefore be surprising, if any English ministry, or we, who are neither heated by the passions nor warped by the prejudices of any party, should, upon this view of the case, think that there are to be found in the conduct of our administration, unerring, staring indications of partiality for France, and a decided predilection for her alliance. We confess that we cannot discern in this state of things that strict, conscientious, disinterested neutrality to which we so ostentatiously lay claim, and upon which we found our pretensions to the most circumspect indulgent moderation, and to an injurious self-denial on the part of a nation which is now, with her “ Atlantean shoulders vast,” laboriously supporting the cause of freedom and of civilization. True neutrality has another character and other attributes.

The ancients in their Iconology, represent Justice with a bandage over the eyes,---with a sword in one hand,---with the well-poised scales in the other,---with a sun upon her breast as the emblem of purity,---with a serene, but courageous aspect,---with the volumes of jurisprudence heaped about her as the rule of her decisions ;---with the horn of Amaltheus by



her side as the symbol of that prosperity which must crown the career of every state of which she and "warlike Honour" guide the helm. If we were disposed to indulge in a personification of Neutrality, just such would we pourtray her:—not panic-struck and overawed by the grim aspect of war or of tyranny;—not trampling upon the sword and the balance and grasping the caduceus and the purse;—not surrounded by volumes of impracticable theories and spurious codes of public law, instead of that body of immemorial customs and those profound digests of universal legislation which, by the common consent of mankind, were heretofore consecrated as the only safe guides of action, and the only pure sources of illumination. Neutrality may indeed exist, where Justice is notoriously with one belligerent; and it is therefore that we should place in her train, a figure which Justice can never have as a companion. We mean Prudence in our sense of the term, with Honour as her guide and her counsellor: but then we would alter the aspect of our image, and instead of the placid countenance, we would give her what was frequently assigned to Justice,—a severe and sorrowful physiognomy; eyes full of fierceness and indignation against the oppressor; and,—if we could go farther and animate her heart,—it should be the opposite of her exterior character and should glow with anxious hopes and ardent wishes for the cause of the oppressed.

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WE shall now, after some digressions, which will not, we trust, appear tedious to those who comprehend the scope of this investigation, proceed to analyze the late correspondence of the French minister of foreign affairs with general Armstrong; a question which will naturally lead us to a consideration of our future prospects with regard to France. We enter upon this part of our subject with a postulate of the utmost importance to the elucidation of the true spirit of her late proceedings, and which should be kept in view to aid the solution of any seeming difficulties connected with this subject. The general conclusion to be drawn from the preceding pages and the ground upon which we mean to take our stand is—that Bonaparte, until the period when he thought proper to announce the conditional revocation of the Milan and Berlin decrees, was, as far as human language and conduct can enable us to judge of human feelings, animated with sentiments of sovereign contempt and virulent animosity towards the United States.

We think we have established this point beyond the possibility of a doubt, and are supported in it by testimony, the validity of which no partizan of our administration at least will venture to deny.---Under the auspices of this conclusion we shall premise three maxims suggested by Mr. Burke, in his "Regicide Peace," of which the application is obvious and which when our countrymen are disposed to indulge in visionary hopes with regard to the sincerity of the professions of Bonaparte, it would be well for them to call to mind---1st, That a disposition to peace and amity is the only sure basis for any pacific or amicable arrangement.---2d, That if we have reason to conceive that our enemy, who as such must have an interest in our destruction, is also a person of discernment and sagacity, we may be quite sure that the object he pursues is the very thing by which our ruin is likely to be most perfectly accomplished.---3d, That an adversary must be judged not by what we ourselves are, or what we wish him to be, but by what we must know he actually is; unless we choose to shut our eyes and ears to the uniform tenor of all his discourses, and to his uniform course in all his actions.

At a period when Bonaparte seemed to have discarded even the affectation of forbearance towards this country, and had excited absolute despair in the minds of his blind worshippers here, general Armstrong was greeted with a letter from the French minister of foreign affairs in which a complete revolution both of policy and feeling in our regard was announced, and an invitation tendered to our merchants to commit their property once more to the justice or the mercy of the French ruler. The change was no less wonderful than unexpected to common apprehensions. Some even of our most sagacious and incredulous politicians, forgetful, as it appears to us, of the first maxims of common prudence and inattentive to the contemporaneous language and deportment as well as to the previous dispositions and acts of Bonaparte, have sought for solutions to the fancied enigmas of his letter in motives of interest which imply the sincerity of his present declarations. We hope to dissipate this strange illusion by assigning adequate causes for his present conduct, derived from his hostility to us, and to commerce in general; or if we admit motives of interest extraneous to these feelings, we hope to convince our readers that they can be but merely temporary in their operation.

We have asserted in the outset of this discussion, that the letter of Cadore was a tissue of glaring falsehoods, and of bitter sarcasms, and we are confident of being able, from an

examination of the text, not only to support this opinion, but to prove, at the same time, from the conditions which Bonaparte has annexed to the revocation of his decrees, that he himself must have foreseen the utter futility, as far as regards the interests of trade, of this new stroke of policy, if we allow him to possess any knowledge of the fundamental, unchangeable politics of the British cabinet.---We ourselves are confident that this pretended effort in favour of commerce, and these ludicrous professions of amity towards the United States will either soon evaporate in mere empty speculation, or entail consequences, not advantageous, but in the highest degree prejudicial to our best interests. In any event this investigation will be useful, and when the determination of time shall supersede all conjecture, it will still be important as an illustration of the genius of the French government and an additional lesson of caution to this country.

The letter of the French minister of foreign relations commences by a declaration, of the falsehood of which every man who reads it must be at once sensible. It implies "that his imperial majesty had then only (the 5th of August) been apprised of the act of congress of the 1st of May, and that most of our official acts had been tardily communicated to him: a circumstance from which there resulted serious inconveniences *that would have been obviated by a prompt and official communication*.\*" We cannot consent to believe that the French government remained ignorant for the space of three months of a measure, which within six weeks after it took place was announced in all the gazettes of Paris and notified by the arrival of our vessels in the ports of France within that period, and which if it had not been so announced must have been collected from the English newspapers which are regularly received at the French office of foreign affairs †. ---We cannot believe that general Turreau was so negligent

\* Lettre du ministre des relations extérieures, à M: Armstrong.

Paris, le 5 Août, 1810.

Monsieur,

J'ai mis sous les yeux de S. M. l'Empereur et Roi l'acte du congrès du 1<sup>er</sup> Mai, extrait de la Gazette des Etats Unis, que vous m'avez fait passer. S. M. aurait désiré que cet acte et tous les autres actes du gouvernement des Etats Unis qui peuvent intéresser la France, lui eussent toujours été notifiés officiellement. En général, elle n'en a eu connaissance qu'indirectement et à près un long intervalle de temps. Il résulte de ce retard des inconvénients graves qui n'auraient pas lieu, si ces actes étaient promptement et officiellement communiqués.

† We have in our hands a *Moniteur* of the 24th of June, which contains a translation of the act of the first of May.



of his duty as to omit to communicate instantaneously to his government a measure of so much importance in itself and upon which his master now affects to lay so much stress.

It was incumbent not upon general Armstrong, but upon the French ambassador, to make this notification, inasmuch as the act of the first of May was not of a nature to be made the ground of an application from us to the French government for a change in its policy. A foreign minister is bound by no law either of reason or usage, to communicate formally and officially to the power near whom he may be placed, such of the public measures of his own government as are not of a character to serve as the foundation of a demand, or likely to operate as an inducement for a change of attitude. But it falls within the province and is part of the trust of a minister to communicate, without delay, to the power whose representative he is, whatever public acts may come within his knowledge which are of a tendency to affect its interests or to regulate its policy.

That understanding must be weak indeed which can be so far influenced by the authority or persuaded by the rhetoric of the French minister of foreign affairs as to credit the miraculous effect ascribed to the act of the first of May. The assertion that it produced the revocation of the Berlin and Milan decrees is ludicrous when we consider all the circumstances of the case. This statement is directly in the teeth of a fact notorious to all the world;—that as early as April 1809, the very measure or scheme of policy adopted in the act of the first of May was proposed to the French government as an inducement to the revocation of the Milan and Berlin decrees. From that period until the moment when congress issued the act, this proposition was still held out to France, and answered uniformly by a declaration from the latter, that no such revocation could take place, until the English first rescinded their orders in council as well as their principles of blockade. If then the present revocation be unconditional, as we are told, how can we admit that it was produced on the 5th of August by a measure which, although constantly and long before proffered to the French government failed in producing any effect? We cannot suppose that the mere incorporation of this particular scheme of policy under the form of an act of congress could have given it this unexpected and novel efficacy. If the revocation be conditional—as it most unquestionably is,—if it have the same qualifications as were before declared to be inseparable from it,—we are placed by this letter of the

duke of Cadore in a situation, not indeed exactly the same as before but much worse as we shall presently show.

The French minister, in alleging the act of the first of May as the motive to the revocation of the decrees of Bonaparte, involves himself in a gross contradiction. The embargo was long since warmly commended by the emperor,---and is, here, again declared to have been acceptable to him. Yet we are told that the removal of all restrictions on our trade,---for such was the effect of the abrogation of the non-intercourse act---was so satisfactory to him as to induce a change in his policy, which the embargo itself and all our other measures of real hostility against England, were insufficient to extort. It cannot be said that the engagements into which congress entered concerning the revival of the non-intercourse, could have rendered the abrogation of it so wonderfully operative: since, as has been above stated, we had long before professed our readiness to give the same pledges, and always without avail. If the embargo was grateful to the French emperor, a fact of which there can be no doubt,---it is quite incomprehensible how the very opposite course of policy---under the same circumstances as to the position of neutral trade, and with the same dispositions on our part,---could have consummated the work of propitiation. The removal of the non-intercourse was here considered as a triumph obtained over the partizans of France; ---as the deathblow of a system adopted and pursued in conformity to her will,---and therefore as fitted to exasperate the resentment of the French emperor. We are quite sure that this was the light in which it was viewed by our administration; and the tardiness with which it was communicated to the government of France arose perhaps both on the part of general Armstrong and of our executive from that reluctance which men in all situations feel to communicate unpleasant information to one whose power is dreaded and whose temper is irritable.

The Berlin decree was issued before our embargo was imposed:---that of Milan before it could have been known in Europe that we had adopted this preposterous measure. Neither of these decrees had any the most distant connexion with our embargo and non-intercourse laws. They were correlative in point of time, of principle, and of profession, with the British blockades and orders in council. They were repeatedly and solemnly declared to depend solely on one of these two contingencies,---the cessation of the provocation on the part of the British, or an open rupture between us and Great Britain.---All connexion between the imperial decrees

and our measures was disclaimed but this, and a most important one it is;—that they were to cease to operate upon us when we began to resist by force the pretended aggressions of England on neutral rights. Nothing could have been more foreign to this the only relation which was admitted to exist between them, than the removal of the non-intercourse;—a measure which has been here so justly branded by all parties as the *submission act*.—And yet we are told that in consequence of “*the new state of things*” which that removal has produced, the imperial decrees are revoked!

In order therefore to preserve even the shadow of consistency, the French government *must* mean by this “*new state of things*”—an engagement on our part to *make war* on England in case she should not abandon *both her orders in council and her alleged principles of blockade*.—We shall presently show that Bonaparte has actually declared this to be his meaning. Nor can France, without a most direct contradiction of her declarations contained even in the letter now under examination, consider a mere non-intercourse with England as tantamount to a redemption of our pledge. She well knows that such a state of things is far from being injurious to Great Britain, or in any manner an *assertion* of our neutral rights.—She has positively declared it to be a state of things highly injurious to herself. If France wishes to preserve even the semblance of dignity or consistency, she must consider this revocation as subject to the condition of the repeal both of the British orders and of their principles of blockade, which as we have said, she has so often and so solemnly pronounced to have been the sole inducements to her decrees\*.

The letter of the duke of Cadore proceeds to state that our embargo had occasioned the loss of the French colonies of Guadaloupe, Martinique, and Cayenne,—an assertion altogether false, but which it does not comport with our limits to refute circumstantially.—Nor do we think it necessary to

\* “The present decree shall be considered as *the fundamental law of the empire* until England has acknowledged that the rights of war are the same “at sea as on land; that war cannot be extended to any private property “whatever, nor to persons who are not military, and until the right of blockade be “restrained to fortified places actually invested by competent force.”

Preamble to Berlin decree.

And again in the body of the Milan decree it is declared “that the measures “of France shall continue to be rigorously in force as long as the British government does not return to the principles of the laws of nations.” The same pledges are given in all the public documents of France which have any relation to either of the decrees.



dwelt upon the statement which immediately follows concerning the motives by which our government was actuated in imposing the embargo;—a position no less true than the preceding one is false. The correspondence between the secretary of state and general Armstrong as well as many of the communications of the latter to the French minister, prove it to have been the intention of our Executive to impress upon the mind of the French emperor the idea—that the leading if not the sole motive of the embargo was the annoyance of England.---Conformably to his knowledge of the fact, derived from this and other sources, he has in several of his public addresses ascribed our embargo to the same spirit which dictated his “continental system” and now repeats this idea in the letter of the duke of Cadore\*. This assertion however well-founded, is repugnant to the language which our administration has thought proper to employ in all their official statements at home, and in their correspondence with the British ministry. It is therefore to be viewed as a direct contradiction to their formal declarations; and the repetition of it is grossly insulting.---But we have not heard that general Armstrong has been instructed to protest against the reiterated imputation of motives so formally denied by his principals, or that the same indignation has been expressed on this occasion as was manifested when Mr. Canning indulged in a mere insinuation to the same effect.

The next paragraph of the letter is of a curious import, and inculcates lessons of prudence from which no small benefit might be derived if we were governed by men who moved under the direction of reason and experience, and not under the discipline of their prejudices and their fears. The very circumstance which was attached to the non-intercourse act with a view, as it has been said, to accomodate his Imperial majesty is here stigmatized as the object of his particular reprobation; we mean the exception of Spain, Naples and Holland from the operation of that act.---In the whole history of our administration, there is perhaps, no trait more disgusting or degrading than this affair, in which, with matchless

\* “ L'Empereur avait applaudi à l'embargo général, mis par les Etats Unis sur tous leurs bâtimens, parce que cette mesure, si elle a été préjudiciable à la France n'avait au moins rien d'offensant pour son honneur. Elle lui a fait perdre ses colonies de la Guadeloupe, de la Martinique et de Cayenne. L'Empereur ne s'en est pas plaint. Il a fait ce sacrifice au principe qui avait déterminé les Américains à l'embargo, en leur inspirant la noble résolution de s'interdire les mers, plutôt que de se soumettre aux lois de ceux qui veulent s'en faire les dominateurs.”

effrontery and in opposition to the evidence of their very senses, they affected to consider those countries as sovereign and independent. This declaration was received here and in England particularly, where we witnessed its effects upon the party most friendly to this nation, with lively feelings of contempt and indignation. It met with the reward that the spirit from which it sprung so well deserved, and rarely fails to receive. The British minister flung it from him with disdain, and reproached our rulers with the disingenuousness of the proceeding. Bonaparte now visits this sin upon them still more severely. He ostentatiously and purposely falsifies their declaration by affirming those countries to be under French influence. He implies most unequivocally that the fact was known to them at the time when they promulgated a law provoked, as they declared, in some degree by the outrages of France, but from the inconveniences of which they yet thought proper to exempt those countries. He offers this circumstance together with the confiscation with which we threatened French vessels that should enter our ports, as his justification for the seizure of all American property within the reach of his power\*. It is notorious, that we confiscated no French vessels, and no less certain that the established privileges of territorial sovereignty, entitled us to refuse admittance into our harbours to the vessels of any nation.

This prerogative of municipal jurisdiction, for the exercise of which the French emperor has chastised us by the confiscation of so many millions of property, is the very ground upon which his zealous admirers in this country vindicated the Berlin decree. He seems to take a malicious satisfaction in refuting all the arguments which we so ingeniously and kindly urge in defence of his measures, and in scourging us himself for every act of compliance into which we are betrayed by our eagerness to conciliate his favour. How either of the acts of which he here complains could have been offensive to the *dignity* of France we do not understand; but we sup-

\* "L'acte du premier Mars a levé l'embargo, et l'a remplacé par une mesure qui devait nuire surtout aux intérêts de la France. Cet acte que l'Empereur n'a bien connu que très-tard, interdisait aux bâtimens Américains le commerce de la France, dans le tems qu'il l'autorisait pour l'Espagne, Naples et la Hollande, c'est-à-dire, pour les pays sous l'influence Française, et prononçait la confiscation contre les bâtimens Français qui entreraient dans les ports d'Amérique."

"La représaille était de droit et commandée par la dignité de la France, circonstance sur laquelle il était impossible de transiger. Le séquestre de tous les bâtimens Américains en France a été la suite nécessaire de la mesure prise par le congrès."

pose that this phrase was introduced in order to afford an opportunity for the just but sarcastic lesson which follows;—namely, that “dignity is a point which admits of no compromise.” Fortunate would it have been for us and for our administration themselves if they had comprehended sooner the truth and efficacy of this doctrine, or if they could feel the sting of the insolent and malignant application which is intended in this instance, and has been always intended, whenever similar propositions have been directed to them from the same quarter.—But “these watchmen are blind;—they are “shepherds who do not understand\*.”

Never was the word, *dignity*, more grossly prostituted than in the mouth of a power which could issue a state paper such as that which we have now under examination.—The falsehood and prevarication with which it abounds are sufficient to show what portion of *real dignity* is inherent in the French government. But the use of the term, besides conveying an important hint, has moreover something ominous with regard to our future relations with France. If an act of mere territorial sovereignty and an exception from a public law, designedly made, as it has been asserted, to favour and gratify the French government, or (to admit the doctrine of Mr. Gallatin) intended as an indulgence to nations which we supposed to be independent, and from which we had received no injury,—were deemed so offensive to the *dignity* of France as to render *necessary* so tremendous a retaliation, what line of conduct can we pursue that may not be construed into a violation of that *dignity*, and held sufficient to authorize any act of violence? If we take this instance as an illustration of the sense which France entertains of her *dignity*, by what standard does she rate it, or with what security could we adopt any public measure in her regard? “It is impossible,” says Mr. Burke, speaking of the use of this term by the French directory—“to guess what acquisitions pride and “ambition may think fit for their *dignity*.” So,—in this case,—it is utterly impossible to conjecture what definition pride and ambition and rapine and fraud may choose to give of *their* dignity, or what disposition of mind on our part they may consider as reconcilable with *their* honour.

The considerations which arise out of the succeeding passages of this letter are of much greater moment than any thing which we have as yet suggested. We come now to the *terms* upon which the Berlin and Milan decrees are revoked. We

\* Isaiah.



must confess that we have never encountered any conditions more unequivocal than those which are attached to this revocation, when we connect with the text, by an indispensable law of construction, all the circumstances and declarations which belong to the case.

It is notorious that the Berlin and Milan decrees were declared by France to have been issued in consequence of the British blockades and orders in council, and not in reference to any measures of this country. It is notorious that the French government has repeatedly and solemnly pronounced that its decrees should never be revoked, until the inducements to them on the side of the British were removed---or until we compelled the latter to admit a code of neutral rights comprising pretensions that we ourselves disclaim, and such as the British will never allow as long as their power shall endure.---It is notorious that by the phrase, "causing our rights to be respected,"---the French government means---the exercise of force on our part against Great Britain to effect this purpose;---an actual league with France in the war in which she is engaged.

The very men to whom the letter in question is addressed have declared this to be the meaning of the French emperor. They have heretofore uniformly understood him in this sense, and pronounced an *alliance* with France to be the *sine qua non* of his amity. He has frequently signified his willingness to rescind his decrees, provided we would consent "to unite with the powers of the continent in their warfare against British trade,"---a warfare which in the case of all those powers involved hostilities of every kind.---They have been told repeatedly that short of this concession nothing could be available for us.---We think, moreover, that we have made it sufficiently apparent that the French ruler cannot, without retracting declarations as solemn and as ostentatious as any which he ever made,---without affording a complete triumph to his enemies, and without falling into the grossest inconsistencies before the whole world, consider his decrees as extinct, until the British shall have revoked not only their orders in council, but their principles of blockade,---or until we have engaged in an actual war with Great Britain.---It is known to us all, that the mere prohibition of trade with the latter would, if our ships were permitted to sail for any other part of Europe, prove only injurious to ourselves, and we must be satisfied that Bonaparte is fully apprised of this consequence.

With these facts before us, let us proceed to examine the text of the pretended revocation of his decrees, and see whether it can, by any possibility, admit of more than one interpretation. "A new state of things," we are told, had determined the emperor to change his attitude with regard to this country. "This new state of things" is thus described. "At present congress retraces its steps. The act of the first of March is revoked. The ports of America are open to French trade; and France is no longer shut to Americans. Congress, in short, engages to *declare against* (*s'élever contre*) the belligerent power which shall refuse to recognise the rights of neutrals\*."

Here there is an enumeration of circumstances constituting "this new state of things"---and of which the pretended engagement of congress is undoubtedly the most material. It follows of course that the emperor will hold himself entitled to withdraw his concessions, if he should find that this circumstance---the leading inducement to his present conduct---did not exist conformably to his supposition. Can we hesitate about the sense in which he understands *this engagement* "to declare against," &c., or about the nature of the immunities which he includes within the phrase *neutral rights*? Is not the phraseology *declare against*, perfectly unambiguous in itself? and has he not---as may be seen by the confession of our executive,---made the signification which he attaches to it fully intelligible to us all? There is no rule of construction or of common sense which will warrant us in looking to the text or scope of our own act of the first of May for an elucidation of his meaning when he has himself expounded it so absolutely and specifically. He tells us that we have entered into "a certain engagement," not designating clearly how, but,---as it is to be inferred from the context only---alluding to the act of the first of May. Upon that act he puts a general construction of his own, and purposely omits to quote the passage of it, or even to specify the act itself from which he deduces *an engagement*,---in order that hereafter when it may be convenient for him to recal his pretended concessions, the terms of this act may not, after its fulfilment, be objected, as susceptible of no other than a very limited interpretation. The act of May *stipulates*, as it

\* "Aujourd'hui le congrès revient sur ses pas. Il révoque l'acte du 1<sup>er</sup> Mars. Les ports de l'Amérique sont ouverts au commerce Français, et la France n'est plus interdite aux Américains. Enfin le congrès prend l'engagement de s'élever contre celle des puissances belligérantes qui refuserait de reconnaître les droits des neutres."

were, merely for the revival of the non-intercourse against the power which shall not revoke her decrees ;---and can any intelligent person believe that Bonaparte means nothing more by *an engagement to declare against that power*? Will he consent to admit that he was prompted to an abandonment of that which he has so often declared to be his *fundamental and unalterable policy*, merely by the promise or pledge of the revival of the non-intercourse ;--a measure which, as he knows, would be but little injurious to Great Britain, and which in the letter of Champagny, examined in page 45 of this discussion, he stigmatizes as a mere fraud upon France?

We now come to the revocation.---“ In this new state of things,” says the French minister to general Armstrong, “ I am authorised to declare to you, sir, that the decrees of “ Berlin and Milan are revoked.”—Even if the phrase had ended here we should not have been entitled to consider the revocation as absolute, or to rely upon the continuance of the system of lenity which it implies ; since that system, as we have seen above, is expressly stated to have been induced solely by the belief, and to be founded on the supposition, that we had contracted certain obligations which, we trust, the event will prove never to have entered into our scheme of action. But this part of the phrase is rendered mere surplusage by what follows, and is inseparably connected. It proceeds thus: “ and that from the first of November they “ shall cease to be executed, *it being well understood* that, “ in consequence of this declaration, the English shall revoke “ their orders in council *and* renounce the new principles of “ blockade which they have attempted to establish, or that the “ United States, conformably to the act which you have just “ communicated, shall cause their rights to be respected by “ the British \*.”—We must confess that we are at a loss to understand how there can be a doubt entertained with regard to the sense of this passage, by those who will read attentively the considerations with which we have prefaced our examination of the text of this letter.

The nature of this revocation must be palpable to one who has in his mind the uniform declarations of the French em-

\* “ Dans ce nouvel état de choses, je suis autorisé à vous déclarer, Monsieur, “ que les décrets de Berlin et de Milan sont révoqués, et qu'à dater du 1er “ Novembre, ils cesseront d'avoir leur effet, bien entendu qu'en conséquence de “ cette déclaration, les Anglais révoqueront leurs arrêts du conseil et renonceront aux “ nouveaux principes de blocus qu'ils ont voulu établir, ou bien que les Etats-Unis, “ conformément à l'acte que vous venez de communiquer, feront respecter leurs droits “ par les Anglais.”



peror on the subject of these decrees, and of our relations with Great Britain. It is not for our rulers to garble this passage conformably to the direction of their wishes,---to admit only the first part which implies an absolute revocation, and to reject the *qualifications* which the writer has annexed so formally and in terms so explicit. In collecting the sense of this passage, and determining the course of action to which it may lead, they are bound by every rule of judgment and self-interest, to give full weight to the parts of it which are indivisibly united; ---such as the terms "*bien entendu que*," "*new principles of blockade*," and *neutral rights*---and to interpret the latter not only according to the common acceptance of the terms but in the sense in which they know them to be understood by the French government. We have now before us the original of this letter of Cadore, and we do not know in the French language---in which we profess to be tolerably well versed,---a single phrase that could more emphatically imply a condition than the one here employed---*bien entendu que*,---*it being well understood* that, &c.---On this point there can be no difference of opinion.

The first contingency upon which the revocation hangs is, that the English shall renounce not merely their orders in council but their new principles of blockade. The proposition is conjunctive. It then becomes a natural and necessary inquiry to ascertain what is meant by these new principles of blockade without the relinquishment of which this revocation is not to become absolute. We have, fortunately, from Bonaparte himself, a full exposition of his doctrine on the subject of lawful blockade. In a letter which we have already cited, addressed to general Armstrong, he proscribes all kinds of blockade as unlawful except the close investiture of a port destined as a co-operation with a besieging army on land \*. All other forms of blockade are declared to involve *new principles*,

\* The letter of August 22d, 1809. The text is as follows—"The right, or rather the pretension, of blockading by a proclamation, *rivers* and coasts, is as monstrous (revoltante) as it is absurd. A place is not truly blockaded until it is invested by land and sea: it is blockaded to prevent its receiving the succours which might retard its surrender. It is only then that *the right of preventing neutral vessels* from entering it, exists—for the place so attacked is in danger of being taken and the dominion of it is doubtful," &c.—This is one of those "invariable principles" which, according to the first paragraph in this letter "have regulated and will regulate the conduct of his imperial majesty on the great question of neutrals." One of the topics of accusation employed against England in the preamble to the Berlin decree is the following—"That she extends to ports not fortified, to harbours and to mouths of rivers, *the right of blockade*, which according to reason and the usage of civilized nations is *applicable only to strong or fortified ports*."

and the English are accused of introducing, and of tyrannically enforcing them by means of their supremacy at sea. As an exemplification of the new principles—the case of the blockade from the Elbe to Brest has been frequently cited by the French government. General Armstrong informs us in one of his dispatches to the secretary of state that on inquiring officially on what terms his imperial majesty would consent to revoke his decrees, he received for answer, “that the condition required by his majesty for the revocation of his Berlin decree was the previous revocation by the British government of her blockades of France or part of France (such as that from the Elbe to Brest,” &c.)

We cannot suppose Bonaparte so egregiously ignorant of the character and *cardinal* policy of the British government as to have imagined that they would at any period renounce those principles which he stigmatizes as *new*---but which they declare to be a part of the immemorial law of nations, and consider as essential to the continuance of their power. He could have entertained no expectation of such an event, and therefore, if he intended that his decrees should ever be abrogated in our favour, he must have relied upon the alternative---*that we are to cause our rights to be respected by the British*. After ascertaining what he meant by new principles of blockade---it was incumbent upon our administration before they authorized any sanguine hopes with respect to the final triumph of commerce, to investigate the latitude in which he might apply the terms “causing our rights to be respected.” In the act of the first of May to which he refers, there is no such language held, and none from which any particular intention or views on our part could be inferred, other than the mere revival of the non-intercourse.

We scarcely need repeat, because it must be obvious to every understanding, that the revival of the non-intercourse merely, will not be, according to the meaning of Bonaparte, an accomplishment of the phrase “causing our rights to be respected.” We must then resort to some other source than our act of May for an explanation of the ideas which he attaches to this language.--On this point, as well as on all the preceding, we have his own express, reiterated declaration to satisfy us. We have been invariably told, that the use of force against Great Britain in case she does not acquiesce in the imperial code of maritime law, is the only mode in which we can *cause our rights to be respected*. These very terms are employed in reference to neutrals in the body of the Milan decree, and are there amplified in this very sense.

In the letter of Champagny to general Armstrong, dated from Milan, 24th November 1807—it is said “that the federal government cannot justly complain against the measures of France while the United States allow their vessels to be visited by England---to be dragged into her ports and turned from their destination; while they do not *oblige England to respect their flag and the merchandise which it covers*; while they permit that power to apply to them the absurd rules of blockade which it has set up,” &c.---“In violating the rights of all nations,” continues this letter---“Great Britain has united them all by a common interest, and it is for them to have recourse *to force against her* :---she must be combated with her own arms :---it is for them to forbid her the search of their vessels; the taking away of their crews, and to declare themselves against (*s’élever contre*) the measures which wound their dignity and their independence. All the difficulties which have given rise to the complaints of the United States would be removed with ease if their government took, with the whole continent, the part of guaranteeing itself therefrom. England has introduced into the maritime law an entire disregard for the *rights of nations*. It is only in *forcing her to a peace* that it is possible to recover them.”

The tenor of all the documents and declarations of the imperial government both as to the *nature* of neutral rights and *to the manner of causing them to be respected* is exactly the same. Moreover, before all the limitations attached to this pretended revocation can be well understood, it is necessary to determine what comprehension is meant to be given by Bonaparte to the term *neutral rights*. We have on this head, the most indisputable evidence,---in the passages which have just been quoted from the letter of November 24th, 1807, as well as in the formal communication made by Champagny to Armstrong of August 22d, 1809, on this very question. *The neutral rights* and the belligerent privileges which this country is to cause to be respected, and for the establishment of which the whole continent is said to have combined, are summarily these,---“that free ships make free goods;---that even enemy-merchant-vessels are to be respected;---that the unarmed subjects of an enemy should not be made prisoners;---that no vessels of any description should be searched---that none but besieged towns should be blockaded,” &c.---And these are said to be “the invariable principles which have regulated *and will regulate* the conduct of his imperial majesty on the question of neutral rights.” It is added also



“ that it is for the United States by their firmness to bring on  
 “ these happy results.”

We ask now, whether the emperor of France, after having given so many solemn pledges to the world of the *only conditions* upon which he would consent to rescind his decrees,---after so many uniform declarations couched in such emphatical and unequivocal language concerning the belligerent immunities and neutral rights, for the establishment of which, as he has often asserted, he wages his own war and has leagued in it all the nations of the continent:---we ask, whether it is probable that he will now abandon the whole of this ground;---swerve from all his ostentatious promises;---and receive from us such an interpretation of his late letter of Armstrong as will justly expose him to the scorn and derision of his enemies and to the mockery of all mankind?

What then is the result? It is that the Berlin and Milan decrees *will remain suspended over our heads* until we engage in actual hostilities against Great Britain,---an event which would render it a matter of indifference to this country whether a thousand such decrees were in existence. The supposition that the British will ever abandon their principles of blockade, or recognise the neutral rights to which Bonaparte refers, is too absurd and extravagant to require discussion or refutation. It is but too plain that the only alternative left to us, is a war with Great Britain. It is upon this hypothesis alone that we should be enabled to vanquish Bonaparte in the *argument* to which this question of their revocation may hereafter give rise. Should we now acknowledge and accept this alternative, we shall have, at least, the consolation of being able to accuse him, on solid grounds, of treachery and falsehood, if his decrees should be soon after restored to their wonted activity, and if the mendicant and fugitive trade which we might strive to enjoy with his dominions, were then oppressed by the same anti-commercial system. But if either the *salutary pusillanimity* of our rulers, or the resuscitated judgment of the majority of this nation should recoil from the ruinous precipice of the war into which he is endeavouring to allure them, and we should yet persist to act upon the supposition that his decrees are in fact revoked by this letter of Champagny, we will never be able to assert upon good grounds that we were deceived or betrayed. We will then, if we suffer at all, be the victims of something worse than credulity,---of our precipitate selfishness,---of our own unreflecting, blind cupidity.

The measure now under consideration was, we are satisfied, long since concerted by this indefatigable enemy of the human race. In that article of his treaty with Holland which contains a stipulation with respect to American property, and in his own particular orders for the seizure of the cargoes of American vessels, there is a sort of reservation which refers to *a new state of things that might exist between us*. General Armstrong's residence in Paris was protracted for many weeks in consequence of intimations often repeated, that a change might take place in the dispositions of his imperial majesty;—that *events might happen* which would render the presence of our minister both useful and convenient. Insinuations of this kind were thrown out long before information of our act of the first of May could have been conveyed to France. The plan of the delusive revocation was then maturing, and that act of congress was deemed a suitable *pretext*, when it was officially notified by general Armstrong. Measures of this kind are not suddenly adopted by the French government;—and it must, we think, be sufficiently apparent, after all that has been said in the foregoing pages, that the act of the first of May was a cause wholly incommensurate with the effect which the French minister hypocritically ascribes to it.

The assurances on this subject, extraneous to the letter of Cadore, which may have been given to our government will not, we are persuaded, be contradictory to the spirit of that letter;—and we can venture to predict that the policy of Bonaparte, in this instance, will be ultimately found to bear the same stamp of perfidy and rapine which is imprinted on all his other cabinet deliberations.—To divine all the motives by which he may have been actuated in this, or which may actuate him in any other scheme of policy, would require a mind almost as fertile in the devices of mischief, and in the wiles of cunning as his own; but we are not at a loss to understand some of the consequences which he anticipated from this measure. We discard, *in limine*, the supposition which has been somewhere indulged, that the whole is a matter of collusion between him and our administration, with the view of betraying this nation into a war with Great Britain. Whatever may be the opinions which we entertain with regard to their capacity, we cannot think them either so blind to their personal interests, or so indifferent to those of the state, as to co-operate designedly in a plan of which the accomplishment would lead to their destruction as certainly as to that of their country.

After exhausting the resources of violence against the United States,—with the exception only of the imprisonment of *all* the American citizens who happened to be within his grasp,—and glutting his rapacity at the same time with the spoils of our property, Bonaparte discovered that the body of this nation was not to be *awed* or *coerced* into a war with Great Britain. The *people* of this country, although they did not feel or display the resentment which the most enormous outrages of every description were fitted to excite, were,--- nevertheless,---so far influenced by them as to recoil rather than to advance in that common highway of ruin,---if we may so express ourselves, in speaking of an alliance with France,--- which so many other nations have been forced to travel. Violence with respect to us, although it indulged the immediate desires of rapine, was not found to promote the views of ambition and hate; and another course was therefore to be devised which, while it tended to gratify all the voracious and malignant passions at once, might, also, answer exigent purposes of general policy and domestic plunder.

After full deliberation,---as we are well satisfied,---after a calculation of all possible consequences,---after comparing them, and ascertaining their compatibility with his former declarations and with the anti-commercial system which he considers as one of the fundamental securities of his present and future power, Bonaparte resolved upon the revocation of the Berlin and Milan decrees *in its present form*, as the measure best adapted to promote the ends and interests of his despotism. We cannot admit some of the conjectures which have been hazarded on the subject of his motives; such, for instance, as that he has been either prompted by humanity or urged by fear to attempt to mitigate the sufferings of his subjects. This reasoning argues but a very imperfect knowledge of the character of the individual, and of the genius of a military despotism supported by seven hundred thousand well appointed and well disciplined troops. His “mighty arch of empire” rests upon this foundation,---and the murmurs or even the struggles of civil life would be as ineffectual to shake it, as tears and groans to mollify the heart, or to alter the purpose of a tyrant to whose imagination and to whose eye scenes of blood and anguish are equally familiar, and who well knows that if they disappeared, his own power would not long survive. We need not, we trust, stop to refute another surmise bottomed upon the increased misery or disaffection of the nations of the continent who are not as yet *nominally* incorporated with



the French empire. The most extended operation of the present decree can by no possibility administer any substantial relief to them. Their ports are every day more and more industriously closed, and there is in fact, no profession on the part of the French emperor of an intention to allow them a free trade. By making France the *depôt* of all foreign commerce (for such is the erroneous construction put by many on his present measures) he will not alleviate, but obviously incumber the galling yoke which he has riveted upon them.

With respect to the relation which this pretended revocation bears to his *domestic policy*, it was meant, in the first place, as a fiscal regulation to relieve the immediate necessities of his exchequer; and if its effects had ended there,—if it had been altogether momentary,—the profit of the measure would not have been inconsiderable. It was a policy congenial to the nature and useful to the temporary exigence of the French government, to hold forth a delusive and slender hope to its subjects of the amelioration of their condition, by the importations and the traffic of even a refuse of commerce, as a cover or *douceur*, for the imposition of enormous duties not only upon the colonial or other produce which might thereafter be sold in France, but upon an immense quantity which was then selling *and upon much that had been sold*. This stretch of despotism, without a parallel except in the history of the revolutionary governments of the same country,—was introduced with a palliative which, by placing the meteor of hope before the eyes of his subjects, somewhat diverted their attention from the oppressions to which it led,—and at the same time actually softened those oppressions, at the expense of the foreign merchant, by causing the price of colonial produce to fall. It was sagaciously calculated that the immediate gain to the imperial exchequer would be great, and the odium of the fiscal expedient lessened, whatever might be the ulterior result of the pretended revocation;—whether it was immediately after recalled, or whether its operation was wholly defeated by the opposition of the British. The immediate effects such as we shall proceed to describe them, will prove the accuracy of this reasoning.

We have now before us a list printed under the authority of the French government, of the *imperial* sales made in the month of September, of confiscated American property. Our limits will not allow us to quote them at large; but whoever will take the trouble of examining them, will find, by a comparison of the duties with the amount of sales, that the former average *two hundred* per cent. and more on

all articles of colonial produce. The article of cotton, for instance, sold for one hundred and eighty francs the cwt.--- The duties are put down at three hundred and thirty, which, together with extra charges for the service of the auctioneer, &c. made the whole sum of extraneous charges about four hundred francs. These duties were paid without delay to the receiver of the customs, *by the purchaser*.

Our readers will remark, that the weight of the duties falls chiefly on the consumers. Their situation is not in any manner alleviated by this illusory revocation, as they continue to pay the same price as before,---and perhaps a greater,---for the commodities taxed. The foreign merchant can never afford to sell his cotton, his indigo, or his coffee, but at a rate which, with the duties superadded, must render it unattainable to the great mass of the nation. The general consumption then of foreign commodities will increase but little, ---importations although they should be at first exuberant must soon cease to be abundant ;--and the operations of trade will be scarcely less languid and certainly not more productive than before. Should the Berlin and Milan decrees be immediately reanimated, the government will have reaped a considerable harvest of booty---while the merchant and the consumer, so far from having been favoured, will have been sorely aggrieved.

If the necessities of the French exchequer *require*, and the supineness of the British or our own credulous cupidity *allow* that this new fraud and bubble of a wily and famished despotism should continue for a little time, it is,---as we think we have demonstrably shown---so contrived that the *spirit* of commerce can never revive under its operation,---that the movements of trade will be but little quickened, and the gains both of the foreign and of the French merchant, but inconsiderably if at all, increased. The treasury of Paris may “like a disordered spleen in the human body” swell and fatten, but the impoverishment of the rest of the system must be the consequence. The sole drift of this new device of rapine, as a measure of internal policy and in its relation to the commercial and agricultural classes of France is,---that the military chest may “suck the honey of their search.”

Some portion of the produce of the French soil and manufactures may indeed be exported. This is contemplated by the French ruler; and to those at a distance who are ignorant of the fiscal system of the military cabinet, it may appear likely to mitigate the condition of the manufacturer and the farmer. But this, although the natural effect, is not that which

will ensue, or which is contemplated by the alchymists of the Thuilleries. It is calculated that the vent of the produce will afford scope for *new taxes*; that it will furnish some additional means of discharging those which now crush to the earth all the industrious classes of the empire. There never has been an instance—and for the truth of this assertion we can ourselves vouch, and would appeal to every man who has had opportunities of personal observation,—of an alleviation afforded by the French government to any of the laborious orders of civil life in France which has not been counterbalanced and defeated by regulations tending either to replenish the treasury at their expense,—to multiply the monuments of national vanity and the gratifications of idle luxury; or to swell the pomp, and minister to the ostentatious pride of the imperial family and favourites.

We scarcely need remind our readers that if the proceeds of the immense property treacherously ravished from our merchants, should be even returned to them, the French treasury will have gained immensely by the seizure. There is no man so extravagantly credulous as to suppose that Bonaparte will relinquish more than the sums for which that property was sold. *The duties* of two hundred per cent. will be retained; and we leave our merchants to calculate the amount. They will have the satisfaction of knowing, if they ever regain any part of the proceeds of their stolen goods,—that they have been the occasion of enriching the imperial exchequer in double the value of their cargoes; that their coffee and cotton, if it had not been so officiously forestalled and distributed by their affectionate ally, and if his new decree had not intervened—would have yielded instead of two francs per pound, double or triple the sum.---The nature of this transaction throughout furnishes an additional reason for believing that the decree was in *petto*, at the very time that the property was seized; so that if our submissions to France were such as to render it necessary,---for more important objects,---that the property should be returned, it might, nevertheless, be rendered productive to the imperial *consignee*.

The *foreign policy*, as it may be termed, of this pretended revocation, may be divined---in part at least---without much difficulty. We assume it as an undisputed point that the French emperor must have foreseen the tenor of the reply which the marquis Wellesley has given to the notification of Mr. Pinkney on this subject. His imperial majesty knew well that the British orders in council would not be rescinded until his own decrees were known to be wholly inoperative and ex-



tinct. It is absurd to suppose that he is so ignorant of the temper and policy of the British nation as to have imagined at any time that she would relinquish, for any consideration he could offer, the principles of blockade which he affects to reprobate as *new* and *unlawful*. If she lay prostrate at his feet stripped of her power and her spirit---this is a condition which he might impose---but, however great his arrogance, it would not dictate even a *proposition* of this nature addressed directly to herself, at a time when her resources are unimpaired, and when it may be truly said that

“ Her hearts are strengthened and her glories rise \*.”

He foresaw then distinctly that the orders in council would not be withdrawn “ until trade was restored to its former footing on the continent; ”---an event which it was his full determination never to permit. He however provided against the remote contingency of the revocation of these orders as far as it might obstruct his anti-commercial policy, by the imposition of enormous duties, the operation of which we have explained above,---and by annexing conditions altogether impracticable, to his own repeal, so as to enable him to retract it whenever policy or passion might prompt him so to do. He will, it may be relied upon, enter into no engagements, which might by any possibility lead to the general prosperity of trade, or to the resurrection of the commercial spirit on the continent of Europe.

In the hypothesis of the abandonment of the orders in council, he was not embarrassed as to the course which he was to pursue in our regard. If we consented to trade with him upon the ignominious and unprofitable terms now offered to us, he would tolerate an intercourse as long as it might be convenient for him to replenish his exchequer in this way, or to accomplish any other temporary purpose. When the motive of convenience ceased to operate, or when

\* It would not require many years of nominal peace with her enemy to place England in an attitude materially different from that mentioned in the text. Man-kind might then have before their eyes a picture the very reverse of the one she now exhibits:

“ Her princes sunk ;  
 “ Her high-built honour moulder'd to the dust ;  
 “ Unnerv'd her force ; her spirit vanish'd quite ,  
 “ With rapid wing her riches fled away ;  
 “ Her unfrequented ports alone the sign  
 “ Of what she was ; her merchants scatter'd wide ;  
 “ Her hollow shops shut up ; and in her streets,  
 “ Her fields, woods, markets, villages, and roads,  
 “ The cheerful voice of labour heard no more.”

views of general policy or impulses of private hate suggested an opposite system, he would then have but to declare that the conditions which he had annexed to his repeal (such for instance as the recognition by the British of neutral rights in *his sense of the term*), had not been fulfilled, and that consequently a renovated activity was to be given to his decrees. If it so happened that his ports were filled with American shipping at the time,—so much the better for the *caisse d'amortissement* to which they would fall a prey.

Nay, we do not hesitate to aver that the prospect of a large booty to be so acquired might have been one of the leading inducements to the whole transaction. There is nothing in the character of the man, or in his previous conduct, which renders this conjecture either improbable or uncharitable. The gross hypocrisy displayed in his fulsome declaration of friendship towards a people whom he has so recently branded with every opprobrious epithet, and whom he so notoriously hates and despises, would alone justify the anticipation of any species of treachery however base or execrable, if we were not authorized to suppose him capable of every possible degree of guilt by the whole history of his life, comprising a series of crimes in comparison of which the voluminous catalogue of all former acts of perfidy and violence may be said to brighten to the moral sense and to shrink into a narrow compass.

The calculations which we have just ascribed to Bonaparte looked to a state of things *merely possible*. It is, as we have already suggested, our private and firm belief that he did not expect the revocation even of the orders in council. He relied upon his own measure merely as a fiscal device, and as an experiment upon the United States. It unites both characters. The *experiment* was of the kind to which we have alluded in the commencement of this discussion. Violence he found ineffectual to drive us into a war with Great Britain. He was frequently told that if one belligerent revoked her decrees, and the other did not follow her example, *collisions* would be inevitable between the latter and the United States. We were therefore to be duped by an illusive revocation, which if it failed to produce the intended effect with us, would still be a lucrative job for his treasury. To cajole and blind our administration the more completely, he could easily consent to give any verbal or other extraneous assurances of his good faith. Into this snare our executive has fallen, to the astonishment of every reflecting man in this country. The president of the United States in issuing his proclamation must have outstripped even the most sanguine expectations of Bona-

parte himself---as he has confounded and dismayed that portion of our community which sees in an alliance with France, a train of images as appalling as any that ever passed before the imagination of a poet \*.

We are utterly at a loss to imagine how our executive could have supposed himself authorized to issue his proclamation under all the circumstances of the case. The act of congress enjoins it upon him to take this step only when one of the belligerents has so revoked or modified her edicts *as to cease to violate the neutral rights of this country*. The revocation or modification so qualified was to be a *condition precedent*: the violation of neutral rights under edicts of any description, *whether issued before or after the act of congress*, was actually to have ceased. It was not upon *mere assurances* from any one of the belligerents that the condition prescribed by congress *would be fulfilled*, or in contemplation of a *future* event of this kind, that the president was empowered to act. It was not a *conditional* revocation, prescribing terms to the other belligerent which were never contemplated by congress and which they knew to be utterly unattainable, that could have come within their meaning.

They must have alluded to, and intended to comprise within the purview of their act, not merely the foreign edicts existing on the first of May, but any other of the same character which might be issued in the interval between that period and the first of March:—such, for instance, as the Rambouillet decree, no less solemn and public, and still more violent than any of the preceding. In short, the president of the United States was authorized to act only when he saw *proofs* of the fact that one of the belligerents had ceased *bonâ fide* to violate the neutral rights of this country by the operation of any general law,—and that our trade was no longer exposed to lawless edicts either *in abeyance* or in activity. Let the act of congress be consulted and it will be found that neither its text nor the spirit of the whole transaction will warrant any other construction than the foregoing.

On the supposition that the revocation of the French emperor was to have been *absolute* after the first of November, it was still the duty of the executive to wait until he saw that this revocation had actually taken place, and that the decrees of France were so repealed as to cease altogether to violate

\* *Terribiles visu formæ; Letumque laborque  
Tum consanguineus Leti sopor, et mala mentis  
Gaudia, mortiferumque adverso in limine bellum.*



our neutral rights. It was not left to his discretion to enter into any *compromise* on the subject with either of the belligerents.—It was not optional with him to accede to such an agreement as this, for example,—that France would notify to the world the revocation of her decrees, *to take place however on a distant day*, provided the president of the United States would consent to issue his proclamation concurrently with that *notification*.—He possessed no authority to this effect under the act of congress.

If he were then so restricted, what shall we say to his proclamation in the existing state of things,—notwithstanding the impracticable, and on our part *unauthorized and unavowed*, conditions which have been shown to be annexed to the revocation of the French emperor;—notwithstanding the notorious fact that our neutral rights are still violated and trampled upon under the auspices of the very decrees which the president declares to be null and exanimate.—It is well known that in the course of the months of September and October, decrees were issued by the imperial cabinet, supplementary and auxiliary to that of Rambouillet,---a decree which our administration considered as the *ne plus ultra* of French injustice and fraud, and on account of which they should now be the declared enemies of France. How could that decree be said to have been revoked when sales of American property were executed under it as late as the months which we have just cited? As long as it continued to be *executed*, it was living and potent, and we have but to examine its text to be satisfied that the sale, no less than the seizure, of American property was in execution of that decree. If this were not the case, and the sale were effected in consequence of another supervenient regulation of Bonaparte, under what encouragements is it that our executive has ventured to “exert a “vigour beyond the law,” and to anticipate the period prescribed by the act of congress for his proclamation?---The sales of Bayonne and Antwerp afford, indeed, a most extraordinary demonstration of a conciliatory spirit, and a most cheering augury of good faith in the future stages of this new career of friendship and indulgence!\*

\* If we could indulge in any feelings on the subject of this proclamation but those of indignation and alarm, we should be disposed to entertain and to express some compassion for the embarrassment under which the president appears to have laboured in framing his proclamation. The phraseology is curious and ridiculous in the extreme. The date being the month of November,—we are told that “it has “been officially made known to this government that the edicts of France violating “the neutral commerce of the United States have been so revoked as to cease to

It should be recollected that there are two parties interested in this revocation;—the United States and Great Britain.—The proclamation of the president is in some degree addressed to the latter, and will be followed, no doubt, by an application for the repeal of her orders in council, and perhaps, of her principles of blockade as they are expounded by Bonaparte; and this demand will be grounded upon an allegation of the previous revocation of the French decrees. But can we expect that she will receive the interpretation which our executive may choose to put upon the letter of the French minister, in contradiction to the plain meaning of the text?—Will she consent to be hoodwinked by any vague, barren assurances of Bonaparte, and shut her eyes to facts which on all sides give the lie to those assurances?—Will she not ask us whether the French edicts of every description, on the subject of commerce, are indeed so repealed as to have ceased to violate neutral rights?

We may indulge in what illusions we please, but it is something more than mere Quixotism in our administration to require from *her* a concurrence in their extravagant assumptions. However well this country may be satisfied—it will not be enough for *her*, if Bonaparte should *declare* even in the most unequivocal language that his decrees are revoked, if the spirit of them be still visibly active and triumphant.

She cannot mistake the truth of the case. Almost every French, and, indeed, every continental newspaper published since the date of the pretended revocation of the French decrees, teems with declarations emanating directly from the imperial throne, and announcing that the anti-commercial system is, and will be pursued with unabated vigour. We read in every French gazette,---and we have them of the most recent date,---that the emperor is fortifying daily the continental league for the exclusion of all commodities the growth of any British possession,---no matter by whom brought, or where

“ have effect on the first of the present month.” And again it is proclaimed by the president (*on the second day of November, let it be noted,*) “ that the said edicts of France have been so revoked as that they *ceased* on the first day of the said month to violate the neutral commerce of the United States.” Now in the name if God we ask, how our president could have been informed on the second day of November, that, *on the day preceding* “ the edicts of France had ceased to have effect?” This gross absurdity arose from the difficulty of reconciling in any other way the proclamation with the terms or spirit of the act of congress. Our administration were conscious that they had no authority for this measure unless the edicts above mentioned *had* ceased to violate our commerce—a fact which could not, in the nature of things, be determined or known until the revocation actually took effect.

purchased. We see his irresistible influence exerted every where on the continent to enforce a scheme of prohibition and confiscation exactly the same in substance as the scope of his Berlin and Milan decrees. If it be notorious,---if the fact be avowed by himself---that the nations both of the north and south of Europe nominally independent of him, are acting,---at his instigation and by his command,---on a plan utterly subversive of all neutral rights, are not *their* edicts *his* in fact, and does he not still continue “to violate neutral commerce?” Are not the occupation of the ports of the North by his troops, and the exclusion from, or the oppression of neutral trade in them, by the power of the sword, as much a blockade, in fact, and as reprehensible in principle, as the investiture of those ports by British men of war?

If Great Britain, when called upon to rescind her orders, should look to France alone for a confirmation of the fact of the revocation of the French decrees, what will she find there? Certainly not such a state of things as to give even a colour of plausibility to our demand. If the picture which we have exhibited be correct, she will hardly discover that the spirit of the Berlin and Milan decrees is extinct, or that they have been so revoked as to cease to violate neutral commerce. She must remark that all the previous restrictions and regulations on importation are still in force, and if she found us trading with France, notwithstanding these regulations and the operations of the new duties, and without having obtained restitution of all the property ravished from us by the Rambouillet decree,—she might be tempted to smile at our blustering pretensions to nice honour, and to rigid impartiality.

There is another consideration which might affect the determination of a British minister in this business, and for which a liberal and generous mind could find some indulgence. It might appear to him—that Bonaparte submitted to relax his hostility to commerce with a view to the more easy acquisition of supplies for his armies in Spain, and in this way, to the acceleration of the complete conquest of that country, when he shall have obtained possession of the sea-ports. It might at the same time be imagined, that the French emperor in relaxing his decrees had also in prospect the more successful prosecution of his plans in South America, to the advancement of which a momentary reconciliation with the United States might be deemed necessary. If such were the persuasion of a British minister, we could hardly blame him for interposing the power of Britain to frustrate the accomplishment of these iniquitous schemes. If such should become our own



persuasion, we could not, as the votaries of freedom and as a magnanimous people, for any temporary interest of gain, consent to lend our aid to rivet the galling chains of a savage, vindictive usurper upon a gallant nation, nor assist in extending his sanguinary dominion over millions who are now ready to shake off the yoke of their old despotism, and to pursue our own example in raising temples to liberty, and consecrating the rights of man.

In the proclamation of our executive there is not only an unwarrantable stretch of prerogative, but a most indecent precipitancy. What effect this premature alacrity to meet the wishes of Bonaparte may have been *intended* to produce upon the two belligerents we know not;—but of this we are firmly persuaded, that it will neither melt the grim despot of France into kindness, nor alarm the British into submission. It cannot mitigate the contempt which the former must feel, both for our credulity and our pliancy;—nor lull the suspicions which have long prepossessed the latter, with respect to the sincerity of our neutral dispositions. If there be any man in this country who pampers his imagination with the hope that the British may now be either driven or wrangled into extraordinary concessions,—if there be any man who wishes to do justice to the motives by which they may be actuated in adhering inflexibly to their present system—let him look to the present state of Europe, and to the prospects of war in that quarter.

In contemplating the continent of Europe we may apply to Bonaparte the phrase of the Latin poet, concerning the master of the Roman world,—

Toto jam liber in orbe  
Solus Cæsar erit.\*

He is now establishing his generals on the thrones of the North, and ere long there may not remain a single monarch in that vast dominion, whose crown will not be of his gift;—nor one atom of strength either physical or intellectual of which he will not enjoy the controul, and direct the application. When we call to mind the fell spirit by which this stupendous mass of power is animated:—when we advert to the evils which it has already produced, and of which we ourselves have witnessed a part, we find in this prospect “of the “parallelism of the sword” something that overpowers and

\* Pharsal. lib. ii.—Or rather, when we take into view the new barbarism now settling upon that quarter, the verse of Euripides,

Τὰ Βαρβάρων γὰρ οὐκ ἄ ταντα, πλεονός.

withers the imagination. We should lose all hope for the preservation of any of the true honours, or comforts, or embellishments of existence, if we did not discern in the midst of an ocean of confusion and of horrors, one solid rock braving the fury of the tempest and invulnerable to the assaults of the billows. To this rock we look in part for our own safety, and therefore we would not, if it were left to our own option to decide, ourselves consent,—that one particle should be loosened from its supposed foundation,—lest the whole *concrete* mass might give way.

England may be conscious of her strength, but she must also be diffident of her security. Her statesmen, although they may have full assurance of the sufficiency of their resources, do feel that in this struggle they must not relax a nerve; that they must hazard no experiments. Every eye in England is now broad awake to the implacable spirit, and to the exterminating views of her enemy—Every fancy is roused by the daily accessions made to his power, and by the multiplication of the perils to which she is exposed. In this state of things—when every measure of her foe is distrusted and dreaded as a new machination for her ruin;—when she imagines that she can be saved only by keeping every nerve in the most rigid tension, is it for us, whose battles she is really fighting no less than her own, to feel surprise or affect resentment, if she should refuse to relinquish what she considers,—no matter whether justly or erroneously,—as one of the elements of her strength and one of the pledges of her deliverance? How can we expect that in the midst of the vast interests and of the tremendous dangers which claim her attention, she is to enter into scholastic disputations and to write metaphysical theses upon abstract neutral rights:—to pause and weigh deliberately, as it were in a balance, her own great measures of defence against the interests of our remnant of trade:—to calculate so much *positive* advantage for the one, against so much *contingent* damage resulting to the other:—to sacrifice the first in case it should appear that the latter might be injured:—to hazard her own existence by filling the exchequer and gratifying the ambitious views of her foe, merely because it appeared probable, to our administration that the concurrence of the United States in these objects might induce the insolent despot to tolerate their commerce in his dominions?

We now venture to dwell for a moment on the last paragraph of the letter of the French minister to general

Armstrong. It is that which states that "the Emperor of France loves the Americans," and delights in their prosperity and aggrandizement \*. Not much need be said on this point, as we think we have afforded, in the course of the preceding investigation, a superfluity of proof as to the real dispositions by which his Imperial Majesty is animated in our regard. There are few persons, we trust, in this country, however bigoted in their admiration of the man, who can be the dupes of his awkward professions on this subject. There are as few, we trust, inclined to credit the incredible tale of his affection as there are to believe, what is at the same time asserted by his minister, that "the Emperor has, *ever since* "the epoch of our independence," felt a pleasure in aggrandizing the United States.

If we reasoned only *a priori*, from a view of human nature itself, and from the invariable experience of mankind, we should be compelled to conclude that a military despot, habituated all his life to military law, and the most absolute monarch now in existence or perhaps ever known, must hate and despise all republican or democratical institutions. Such political systems as those of Great Britain and the United States are a constant reproach to a military despotism. They are equally objects of dread and detestation, because they operate as correctives, in some degree, to the habit and example of slavery, and serve to keep alive the image and the desire of freedom even among the victims of oppression †. In this instance, however, we are not confined to general or abstract reasoning *alone*, but have this conviction forced upon us by facts of daily emergence, and of most irresistible evidence. The whole world has seen the Emperor of France waging an implacable war against the free governments of the continent of Europe; we all know that he has not left a vestige of republicanism within the range of his power. We have it

\* "S. M. aime les Américains. Leur prospérité et leur commerce sont dans les vues de sa politique. L'indépendance de l'Amérique est un des principaux titres de gloire de la France. Depuis cette époque, l'Empereur s'est plu à agrandir les Etats-Unis, et, dans toutes les circonstances, ce qui pourra contribuer à l'indépendance, à la prospérité et à la liberté des Américains, l'Empereur le regardera comme conforme aux intérêts de son Empire."

Letter of Champagny.

† Demosthenes in declaiming to his countrymen against Philip, addresses them in this language. "It is against our free constitution that his arms are principally directed; nor in all his actions has he any thing more immediately in view than its subversion. There is a sort of necessity for this. He knows full well that his dominion can never be secure while you continue free. He sees in your freedom a spy upon the incidents of his fortune."



## France and the United States.

from his own mouth that he despises us ; we have felt the malignity of his hate in an unbroken series of unparelled outrages and indignities. Whoever has been at Paris within the few years past and has enjoyed any opportunities of observation, or any latitude of intercourse with the Parisian society, must have learned that the American government and people were held in the utmost scorn and aversion not only by the ruler of France, but by every functionary and retainer of his monstrous system of fraud and rapine.

On the score of these feelings there is no disguise affected ; they are not only distinctly seen, but openly avowed. When the late French *chargé des affaires* to this country returned to France and pleaded in extenuation of certain offences imputed to him, his endeavours to effect a good understanding between us and his employers, he was told by the head of the foreign department, that such *services* connected with his mission to the United States, would be just as available with the Emperor, as if they had related to the *Dey of Algiers*. If there be any difference in sentiment with regard to the two powers, it is that his Algerine highness is much the less obnoxious of the two. He is not of the same importance to the views of Bonaparte on England. He has not so materially contributed to thwart them by a tenacious fondness for commerce, that bane and eye-sore of a military despot. The Dey has sent no gazettes to his dominions replete with accurate delineations of his character and unsparing animadversions on his conduct. The Dey has lost him no island of San Domingo ---a circumstance to which Champagny alludes with much bitterness in the letter supposed to be spurious. It is well known in the circles which eddy about the throne of the Thuilleries, that the emperor ascribes the failure of his attempts upon that island to our cupidity;---that he has often denounced vengeance against us on this account, and that this recollection still festers in his bosom.

Necdum etiam causæ irarum sævique dolores  
Exciderant animo.

These assurances of warm friendship from a determined enemy, and particularly from one of the character of Bonaparte, should, instead of inspiring confidence, excite the most lively alarms. The wretched and *time-serving* king of Prussia states in the manifesto which he published on the eve of the war which terminated in his ruin, that he had just then received a letter from Bonaparte full of professions of esteem and

attachment. Who does not recollect the epistles<sup>7</sup> of the same affectionate ally to the imbecile monarchs of Spain immediately before he laid violent hands upon their persons, and commenced that ferocious war on their subjects which now traces, in characters of blood, the most awful lessons to us and to all mankind\*?

\* We cannot resist the temptation of placing before our readers the whole of the letter which Bonaparte addressed from Bayonne to Ferdinand before that unhappy prince fell into the hands of this perfidious enemy. The opinions which we have expressed in the text could have no more forcible illustration than this important document. The best comment on the letter itself is to be found in the present situation of Ferdinand and in the actual condition of Spain. We have marked in italics the passages which place the character of the writer in the highest relief.

" Brother,

" I have received your royal highness's letter. The inspection of your royal father's papers must already have convinced you of the affection which I ever bore him: Under the present circumstances you will allow me to speak to your highness with frankness and candour. I entertained a hope that, upon my arrival at Madrid, I might persuade my illustrious friend to make some necessary reforms in his dominions, and in some degree to gratify the public opinion. The Prince of Peace's dismissal appeared to me requisite for his happiness and that of the people. The events in the north have retarded my journey. In the mean time the occurrences at Aranjuez have taken place. *I do not set up for a judge of what has happened, nor of the conduct of the Prince of Peace; but what I know is, that kings should never injure their subjects to shed blood, and to do themselves justice. I pray to God that your royal highness may not one day experience the ill effects of this policy. It would not suit the interests of Spain that a prince who has married a princess of the royal family and who has so long governed the kingdom, should be persecuted. He has no friends left; nor would your royal highness have any, if you should one day be unfortunate. The people gladly seize the opportunities of making themselves amends for the homage which they pay to us. You cannot impeach the Prince of Peace, without impeaching the Queen and the King your father. This prosecution will nourish factious fury and hate, and the result cannot but be fatal to the interests of your crown. Your royal highness has no titles to the throne but those which you derive from your mother. If the prosecution should dishonour her, your royal highness would thereby bar your own claim. Shut your ears to feeble and perfidious counsels; you have no right to judge the Prince of Peace. His crimes, if he were charged with any, ought to be buried in the rights of the throne. I have often expressed my wish that the Prince of Peace might be dismissed: If I have not been more urgent, it has been owing to my friendship for King Charles, from whose weak partiality I chose to turn my eyes.—Oh wretched humanity! imbecility and error; such is our motto! All this, however, may be reconciled: let the Prince of Peace be banished from Spain, and I offer him an asylum in France.*

" With respect to the abdication of Charles IV., it has taken place at a time when my armies occupied Spain; and Europe and posterity might believe that I have sent so many troops for the sole purpose of driving my friend and ally from the throne.

" As a neighbouring sovereign, I am bound to inquire into what has taken place, previous to my acknowledging this abdication. I declare it to your royal highness; to all Spaniards,—to the whole world: if the abdication of King Charles be voluntary, if he have not been driven to it by the insurrection of Aranjuez, I shall not hesitate to admit it, and to acknowledge your royal highness as king of Spain. I therefore wish to converse with your royal highness upon the

But it is not with the absurdity or the falsehood of these benevolent professions, or with the immediate dangers which they portend, that we are most powerfully struck. We are most affected and disgusted with the base hypocrisy inherent in these proceedings,---with that vile spirit of dissimulation which they display, and which dishonours human nature even more than all the wanton ravages of the sword. When we read such assertions as those which close this letter of the duke of Cadore,---when we recollect the circumstances under which they are made, and consider that the individual from whom they come is the absolute master of a large portion of the globe,---we blush for the age in which we live,---and feel ourselves still farther removed from the era of true civilization, than were the cotemporaries of feudal despotism. It is justly said by the author of the Travels of Anacharsis, that the truly barbarous age is not that in which there is the greatest ferocity of manners, but that in which there is the most hypocrisy in sentiment. "*Le siècle véritablement barbare n'est pas celui où il y a le plus de ferocité dans les mœurs, mais celui où il y a le plus de fausseté dans les sentimens.*"

We cannot conclude this article, to which the importance of the subject has induced us to give an extension not contemplated by our general plan, without repelling an accusation which will, in all likelihood, be preferred against us. We expect to be called the blind apologists of Great Britain, and the zealots of a party. These epithets we disclaim, because we know that in denouncing the views of France, and in reprobating the measures of our administration, we have but one object;---and that is,---the good of this country---to the institutions of which we are as ardently attached as any of those who may think fit to asperse our motives. We bear no enmity or malice to the men in power,---

"subject. The caution, with which I have hitherto proceeded in these affairs ought to convince you of the support you will find in me, if factions, of any description, ever disturb your reign.---When King Charles informed me of the events of October last, I was deeply afflicted at them, and I flatter myself that I have contributed by my suggestions to the happy issue of the business of the Escorial. Your royal highness should dread the consequences of popular commotions; some of my scattered soldiers may be assassinated, but such excesses could only bring ruin upon Spain.---Your royal highness knows all the recesses of my heart; you may see that I am agitated by various ideas which require to be fixed. You may be certain, that at all events, I will deal with you as I have done with your royal father: rely upon my wish to reconcile every thing, and to find opportunities to give you proofs of affection and high regard.---And so I pray God may keep you, brother, under his holy and worthy protection."



but we will protest against their ability to manage the affairs of this nation, and must express our fears for her safety and publish our warnings,

“ While such as these  
 “ Presume to lay their hand upon the ark  
 “ Of her magnificent and awful cause.”

Great Britain, we know, has heretofore often abused her power in her relations with the United States, and may, hereafter, abuse it. At any other time, we should be as vehement in our opposition to her, and as indignant at her injustice as the most clamorous of her revilers are now. But we are overpowered by the sense of evils impending from another quarter more formidable and pressing than any which she is either able or disposed to inflict upon us. The love of our own security urges us to feel a lively sympathy for her in her present struggle;---to waive the discussion of the wrongs which she may have done us,---even to make allowances for those which may spring out of the line of conduct which she may think imposed upon her by the necessities of her situation. We should,---in laying claim to the most enthusiastic glow of patriotism,---feel like impostors, if we hesitated to acknowledge our firm belief that every other political consideration is now secondary,---nay absolutely insignificant, when compared with the evils with which France menaces the whole civilized world.

The proclamation of the president has excited a very serious alarm in our minds. We cannot suppose that it is the intention of our government to revive the non-intercourse law, *with a view to its continuance for any length of time*. This expedient has been already tested to the conviction of all parties. We, therefore, can find no solution for the language held by our administration on the subject of the new attitude which France affects to have assumed, but in the conjecture that they are at least *half inclined* to risk the experiment of provoking a war with Great Britain. Against this ruinous experiment we shall exert our most strenuous efforts, careless of the epithets which may be applied to us; and we earnestly exhort the minority in congress to do the same.---They should recollect that forbearance in such a case is, in fact, treason to the country;---that the most animated opposition is not faction, but sound patriotism.

“ Whenever,” says Bolingbroke, “ any scheme ruinous to  
 “ the general interest of a nation is pursued, the best service  
 “ that can be done to such a nation, is to commence an early

“ and vigorous opposition. The event will always show that  
“ those who thus act are the best patriots, however they may  
“ be stigmatized with odious names. If the opposition begins  
“ late, or be carried on more faintly than the exigency re-  
“ quires, the evil will grow until it becomes too inveterate for  
“ the ordinary methods of cure. The most plausible objection  
“ to such proceedings, by which well-meaning men are fre-  
“ quently made the bubbles of those who have the worst de-  
“ signs, arises from a false notion of moderation. True politi-  
“ cal moderation consists in not opposing the measures of  
“ government, except when great and national interests are  
“ at stake ; and when that is the case, in opposing them with  
“ such a degree of warmth as is adequate to the nature of the  
“ evil. To oppose things which are not blame-worthy, or  
“ which are of no material consequence to the national in-  
“ terest, with such violence as may disorder the harmony of  
“ government,--is certainly faction ; *but it is likewise faction,*  
“ *and faction of the worst kind, either not to oppose at all, or*  
“ *not to oppose in earnest when points of the greatest impor-*  
“ *tance to the nation are concerned.*”

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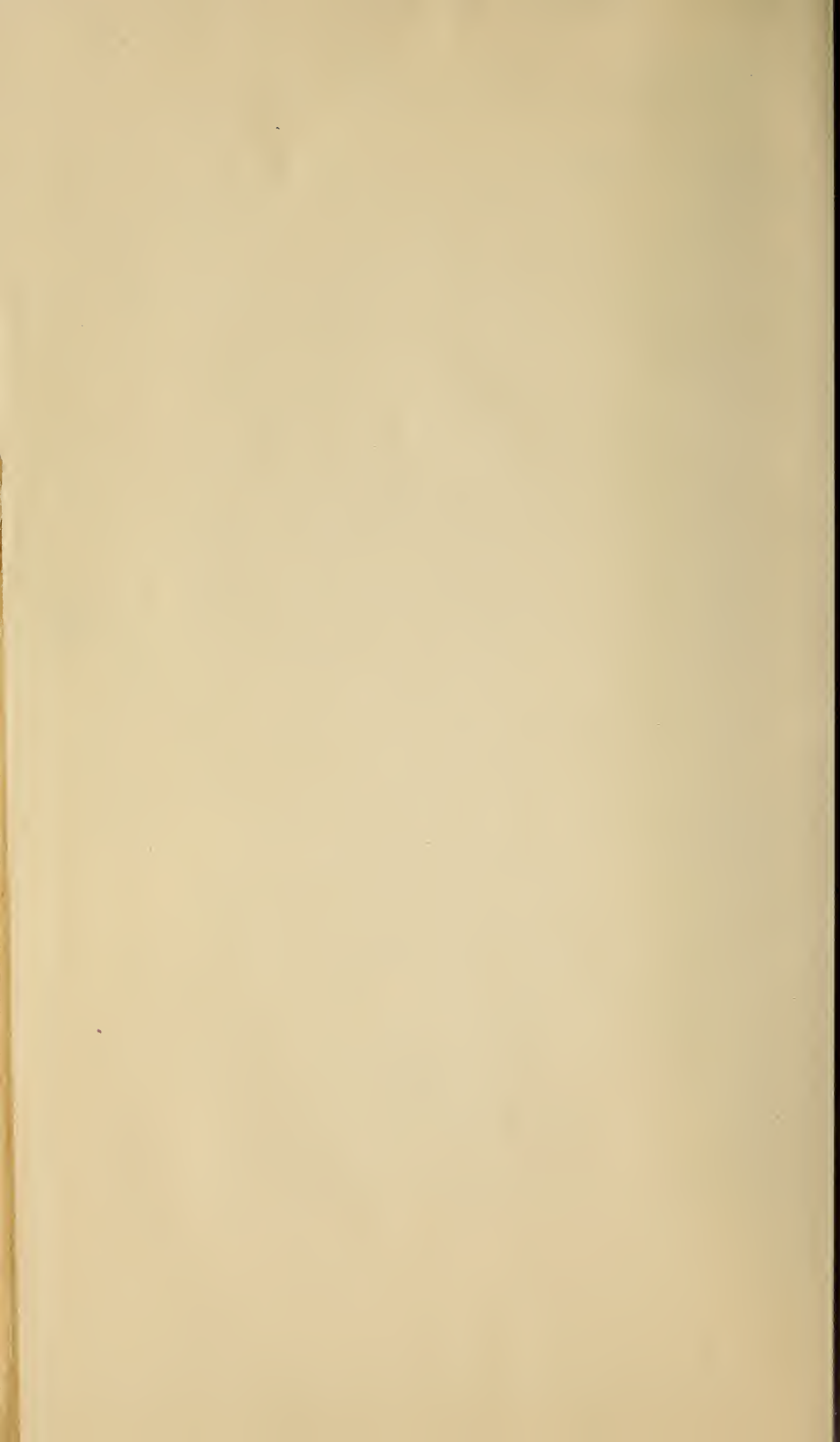
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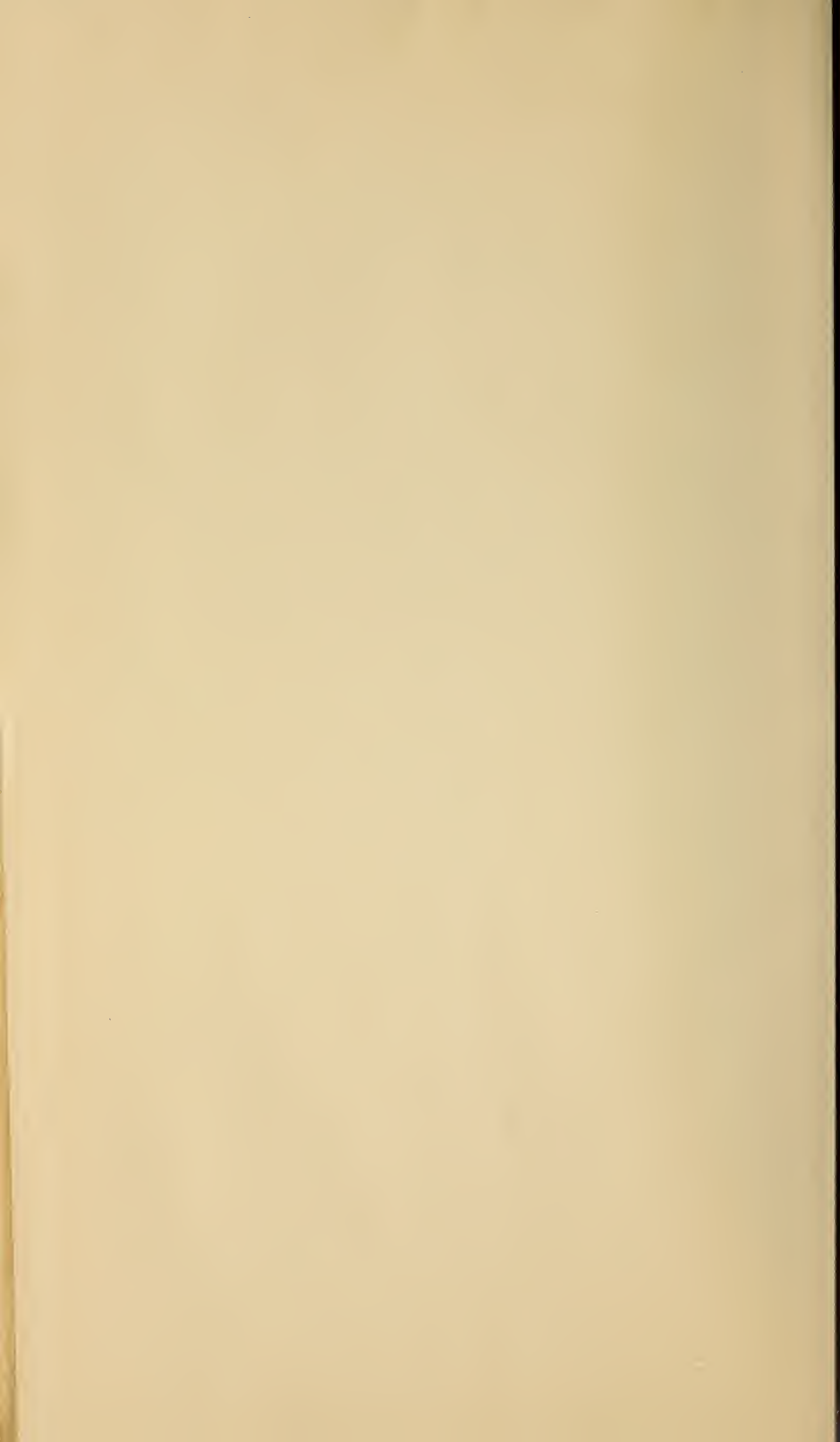






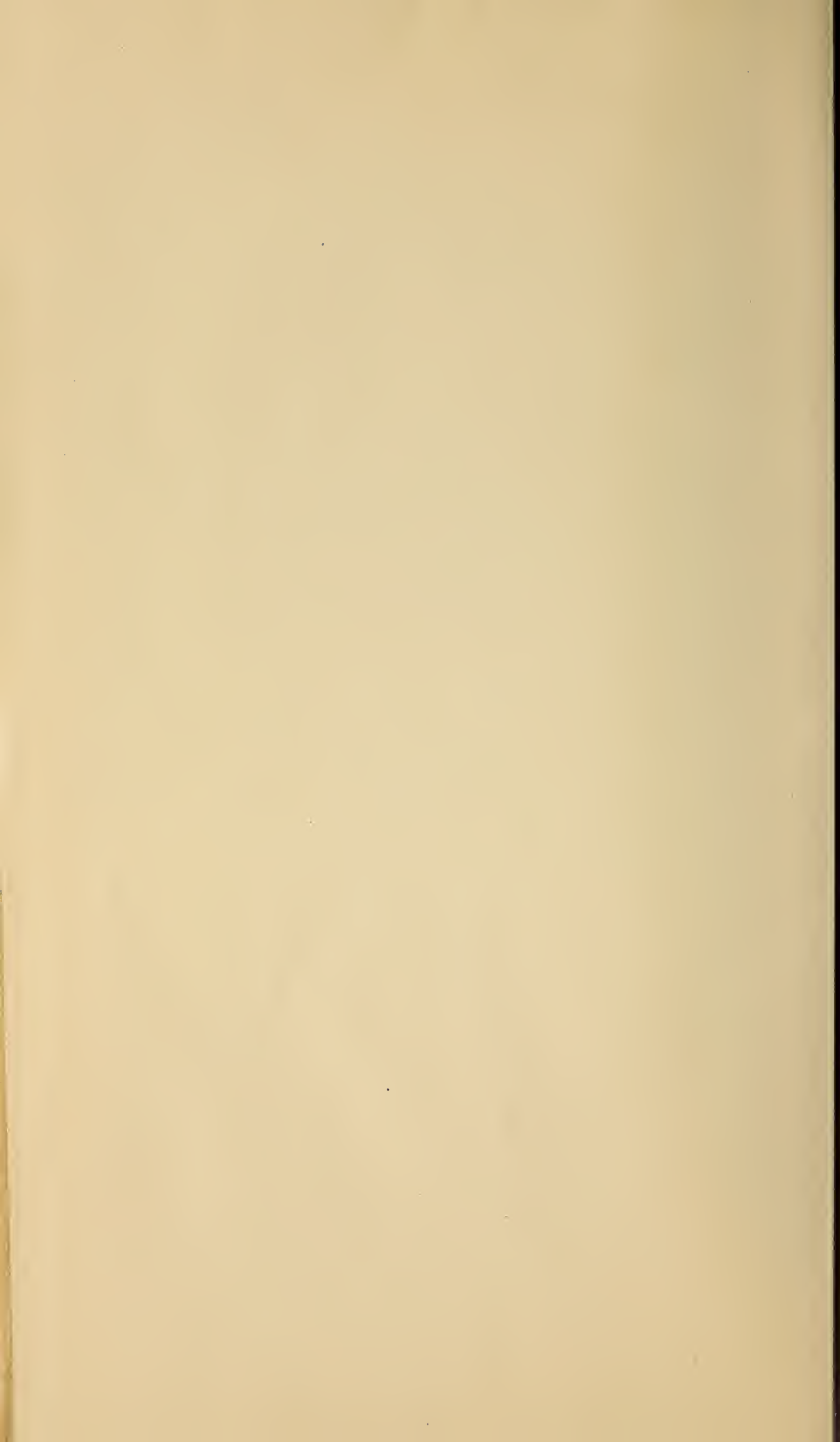




















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